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THE INTELLECTUAL ORIGINS OF AMERICA-BASHING
LEE HARRIS

THE NEW DIPLOMACY
DAVID DAVENPORT

OVERCOMING MOTHERHOOD
CHRISTINE STOLBA

NUCLEAR DETERRENCE, THEN AND NOW
DANIEL GOURÉ

ALSO: ESSAYS AND REVIEWS BY
THOMAS D. GRANT, YING MA, SAM MUNSON, AARON MANNES, AND RYAN HOLSTON

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The Intellectual Origins Of America-Bashing

By LEE HARRIS

A SPECTER HAUNTS the world, and that specter is America. This is not the America discoverable in the pages of a world atlas, but a mythical America that is the target of the new form of anti-Americanism that Salman Rushdie, writing in the *Guardian* (February 6, 2002), says "is presently taking the world by storm" and that forms the subject of a *Washington Post* essay by Martin Kettle significantly entitled "U.S. Bashing: It's All The Rage In Europe" (January 7, 2002). It is an America that Anatol Lieven assures us, in a recent article in the *London Review of Books*, is nothing less than "a menace to itself and to mankind" and that Noam Chomsky has repeatedly characterized as the world's major terrorist state.

But above all it is the America that is responsible for the evils of the rest of the world. As Darius Fo, the winner of the 1997 Nobel Prize for literature, put it in a notorious post-September 11 email subsequently quoted in

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Lee Harris is a writer living in Atlanta.

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ture, put it in a notorious post-September 11 email subsequently quoted in the *New York Times* (September 22, 2001): "The great speculators [of American capitalism] wallow in an economy that every years kills tens of millions of people with poverty [in the Third World] — so what is 20,000 dead in New York? Regardless of who carried out the massacre [of 9-11], this violence is the legitimate daughter of the culture of violence, hunger and inhumane exploitation."

It is this sort of America that is at the hub of Antonio Negri and Michael Hardt's revision of Marxism in their intellectually influential book *Empire* (Harvard University Press, 2000) — a reinterpretation of historical materialism in which the global capitalist system will be overthrown not by those who have helped to create it, namely, the working class, but rather by a polyglot global social force vaguely referred to as "the multitude" — the alleged victims of this system.

The specter of America is the fundamental organizing principle of the left as it exists today.

America-bashing is anti-Americanism at its most radical and totalizing. Its goal is not to advise, but to condemn; not to fix, but to destroy. It repudiates every thought of reform in any normal sense; it sees no difference between American liberals and American conservatives; it views every American action, both present and past, as an act of deliberate oppression and systemic exploitation. It is not that America went wrong here or there; it is that it is wrong root and branch. The conviction at the heart of those who engage in it is really quite simple: that America is an unmitigated evil, an irredeemable enormity.

This is the specter that is haunting the world today. Indeed, one may even go so far as to argue that this America is the fundamental organizing principle of the left as it exists today: To be against America is to be on the right side of history; to be for it is to be on the wrong side.

But let's pause to ask a question whose answer the America-bashers appear to assume they know: What *is* the right side of history at this point in history?

The concept of a right side of history is derived from Marxism, and it is founded on the belief that there is a forward advance toward a socialist future that can be resisted, but not ultimately defeated. But does anyone believe this anymore? Does anyone take seriously the claim that the present state of affairs will be set aside and a wholly new order of things implemented in its place, and that such a transformation of the world will happen *as a matter of course*?

And, finally, if in fact there are those who believe such a thing, what is the status of this belief? Is it a realistic assessment of the objective conditions of the present world order, or is it merely wishful thinking?

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Marx's political realism

THE IMPORTANCE OF these questions should be obvious to anyone familiar with the thought of Marx. Marx's uniqueness as a thinker of the left is his absolute commitment to the principles of *political realism*. This is the view that any political energy that is put into what is clearly a hopeless cause is a waste. Utopianism is not only impractical; it is an obstacle to obtaining socialism's true objective, since it diverts badly needed resources away from the pursuit of viable goals, wasting them instead on the pursuit of political fantasies.

The concept of fantasy as a political category assumed its central place in Marxist thought in *The Communist Manifesto*, where Karl Marx and Friedrich Engels used it as the distinguishing mark of their own brand of socialism: It was this that condemned all previous forms of socialism to the realm of vague dreams and good intentions, and which gave Marxism the claim to be a "scientific" form of socialism.

Marx's use of the term "scientific" in this text has often been criticized. But, in his defense, it should be remembered that the German *Wissenschaft* describes a far wider category than the English "science." It means what we know as opposed to what we merely opine, or feel, or imagine; the objective as opposed to the subjective; realistic thinking as opposed to impractical daydreaming. And it is in this last sense that Marx and Engels use it: For the opposite of the scientific is none other than the utopian.

This is the basis of Marx's condemnation of all forms of *utopian socialism*, the essence of which is the enormous gap between the "fantastic pictures of future society" the utopian socialist dreams of achieving, on one hand, and any realistic assessment of the objective conditions of the actual social order on the other.

This concept of fantasy as "fantastic pictures" inside the head of impractical daydreamers is a classic theme of German Romantic literature and is perhaps most closely identified with the characters of E.T.A. Hoffman's stories, such as Kapellmeister Kreisler. The fantasist, in this literature, is a character type: He lives in his own dream world and can manage only the most tenuous relationship to the real world around him. But, unlike the character type of the absent-minded professor, the Romantic fantasist is not content to putter around in his own world. Instead, he is forever insisting that his world is the real one, and in the process of doing this, he reduces the real world around him, and the people in it, to an elaborate stage setting for the enactment of his own private fantasies.

Marx and Engels's wholesale condemnation of all previous socialism as utopian fantasy is *the* fundamental innovation of their own work. It is the basis of their claim to be taken seriously, not merely by Hoffmanesque daydreamers, but by men of practical judgment and shrewd common sense. To

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fail to make this distinction, or to fail to stay on the right side of this distinction once it has been made, is to cease to be a Marxist and to fall back into mere *Träumerei.*

This demarcation line arose because Marx believed that he had grasped something that no previous utopian socialist had even suspected. He believed that he had shown that socialism was inevitable and that it would come about through certain ironclad laws of history — laws that Marx believed were revealed through the study of the very nature of capitalism. Socialism, in short, would not come about because a handful of daydreamers had wished for it, or because pious moralists had urged it, but because the unavoidable breakdown of the capitalist system would force the turn to socialism upon those societies that, prior to this breakdown, had been organized along capitalist lines.

Schematically the scenario went something like this:

- The capitalists would begin to suffer from a falling rate of profit.
- The workers would therefore be "immiserized"; they would become poorer as the capitalists struggled to keep their own heads above water.
- The poverty of the workers would drive them to overthrow the capitalist system — their poverty, not their ideals.

What is interesting here is that, once you accept the initial premise about the falling rate of profit, the rest does indeed follow *realistically*. Now, this does not mean that it follows necessarily or according to an ironclad scientific law; but it certainly conveys what any reasonable person would take as the most probable outcome of a hypothetical failure of capitalism.

For Marx it is absolutely essential that revolutionary activities be justifiable on realistic premises. If they cannot be, then they are actions that cannot possibly have a real political objective — and therefore, their only value can be the private emotional or spiritual satisfaction of the people carrying out this pseudo-political action.

So in order for revolutionary activity to have a chance of succeeding, there is an unavoidable precondition: The workers must have become much poorer over time. Furthermore, there had to be not merely an increase of poverty, but a conviction on the part of the workers that their material circumstances would only get worse, and not better — and this would require genuine misery.

This is the immiserization thesis of Marx. And it is central to revolutionary Marxism, since if capitalism produces no widespread misery, then it also produces no fatal internal contradiction: If everyone is getting better off through capitalism, who will dream of struggling to overthrow it? Only genuine misery on the part of the workers would be sufficient to overturn the whole apparatus of the capitalist state, simply because, as Marx insisted, the capitalist class could not be realistically expected to relinquish control of the state apparatus and, with it, the monopoly of force. In this, Marx was

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absolutely correct. No capitalist society has ever willingly liquidated itself, and it is utopian to think that any ever will. Therefore, in order to achieve the goal of socialism, nothing short of a complete revolution would do; and this means, in point of fact, a full-fledged civil war not just within one society, but across the globe. Without this catastrophic upheaval, capitalism would remain completely in control of the social order and all socialist schemes would be reduced to pipe dreams.

The immiserization thesis, therefore, is critical to Marx, for without it there would be no objective conditions in response to which workers might be driven to overthrow the capitalist system. If the workers were becoming better off with time, then why jump into an utterly untested and highly speculative economic scheme? Especially when even socialists themselves were bitterly divided over what such a scheme would be like in actual practice. Indeed, Marx never committed himself to offering a single suggestion about how socialism would actually function in the real world.

Immiserization goes global

By the twentieth century the immiserization thesis was already beginning to look shaky. Empirical evidence, drawn either by impressionistic observation or systematic statistical studies, began to suggest that there was something wrong with the classical version of the thesis, and an attempt was made to save it by redefining immiserization to mean not an absolute increase in misery, but merely a relative one. This gloss allowed a vast increase in empirical plausibility, since it accepted the fact that the workers were indeed getting better off under the capitalist system but went on to argue that they were not getting better off at the same rate as the capitalists.

The problem with this revision lay not in its economic premises, but its political ones. Could one realistically believe that workers would overthrow an economic system that was continually improving their own lot, simply because that of the capitalist class was improving at a marginally better rate? Certainly, the workers might envy the capitalists; but such emotions simply could not supply the gigantic impetus required to overthrow a structure as massive as the capitalist system. Before the workers of a capitalist society could unite, they had to feel that they had literally nothing to lose — nothing to lose but their proverbial chains. For if they had homes and cars and boats and RVs to lose as well, then it became quite another matter.

In short, the relative immiserization thesis was simply not the stuff that drives people to the barricades. At most it could fuel the gradualist reforms of the evolutionary ideal of socialism — a position identified with Eduard Bernstein.

The post-World War II period demolished the last traces of the classical immiserization thesis. Workers in the most advanced capitalist countries

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were prosperous by any standard imaginable, either absolute or relative; and what is even more important, they felt themselves to be well off, and believed that the future would only make them and their children even better off than they had been in the past. This was a deadly blow to the immiserization thesis and hence to Marxism. For the failure of the immiserization thesis is in fact the failure of classical Marxism. If there is no misery, there is no revolution; and if there is no revolution, there is no socialism. Q.E.D. Socialism goes back once more to being merely a utopian fantasy.

Yet those who still claim to derive their heritage from Marx are mostly unwilling to acknowledge that their political aims are merely utopian, not scientific. How is that possible?

Today's Marxists are unwilling to acknowledge that their ends are merely utopian, not scientific.

There might be several reasons advanced for this, but certainly one of them is Paul Baran. A Polish born American economist and a Marxist, Baran is the author of *The Political Economy of Growth* (Monthly Review Press, 1957). In it, for the first time in Marxist literature, Baran propounded a causal connection between the prosperity of the advanced capitalist countries and the impoverishment of the Third World. It was no longer the case, as it was for Marx, that poverty — as well as idiocy — was the natural condition of man living in an agricultural mode of production. Rather, poverty had been introduced into the Third World by the capitalist system. The colonies no longer served the purpose of consuming overstocked inventories, but were now the positive victims of capitalism.

What needs to be stressed here is that, prior to Baran, no Marxist had ever suspected that capitalism was the cause of the poverty of the rest of the world. Not only had Marx and Engels failed to notice this momentous fact, but neither had any of their followers. Yet this omission was certainly not due to Marx's lack of knowledge about, or interest in, the question of European colonies. In his writing on India, Marx shows himself under no illusions concerning the brutal and mercenary nature of British rule. He is also aware of the "misery and degradation" effected by the impact of British industry's "devastating effects" on India. Yet all of this is considered by Marx to be a dialectical necessity; that is to say, these effects were the unavoidable precondition of India's progress and advance — an example of the "creative destruction" that Schumpeter spoke of as the essence of capitalist dynamics. Or, as Marx put it in *On Colonialism*: "[T]he English bourgeoisie . . . will neither emancipate nor materially mend the social condition of the mass of the [Indian] people . . . but . . . what they will not fail to do is to lay down the material premises for both" the emancipation and the mending of this social condition.

The radical nature of Baran's reformulation of Marxist doctrine is

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obscured by an understandable tendency to confuse Baran's theory with Lenin's earlier theory of imperialism. In fact, the two have nothing in common. Lenin's theory had evolved in order to explain the continuing survival of capitalism into the early twentieth century, and hence the delay of the coming of socialism. In Lenin's view, imperialism is not the cause of Third World immiserization, but rather a stopgap means of postponing immiserization in the capitalist countries themselves. It is the capitalist countries' way of keeping their own work force relatively prosperous — and hence politically placid — by selling surplus goods into captive colonial markets. It is not a way of exploiting, much less impoverishing, these colonies. It was rather a way "to bribe the upper strata of the proletariat, and . . . to . . . strengthen opportunism," as Lenin put it in *Imperialism: The Highest Stage of Capitalism* (International Publishers, 1933).

This gives us the proper perspective from which to judge the revolutionary quality of Baran's reformulation. For, in essence, what Baran has done is to globalize the traditional doctrine of immiserization so that, instead of applying to the workers of the advanced capitalist countries, it now came to apply to the entire population of those countries that have not achieved advanced capitalism: It was the rest of the world that was being impoverished by capitalism, not the workers of the advanced countries.

Baran's global immiserization thesis, after its initial launch, was taken up by other Marxists, but it was nowhere given a more elaborate intellectual foundation than in Immanuel Wallerstein's monumental study *The Modern World-System* (Academic Press, 1974), which was essentially a fleshing out in greater historical and statistical detail of Baran's thesis. Hence, for the sake of convenience, I will call the global immiserization thesis the Baran-Wallerstein revision.

America as "root cause"

WHAT I NOW would like to consider is not the thesis itself, but the role that this thesis played in bolstering and revitalizing late twentieth-century Marxism. For it is here that we find the intellectual origins of the international phenomenon of America-bashing. If there is any element of genuine seriousness in this movement — if, indeed, it aspires to be an objective and realistic assessment of the relationship of America to the rest of the world — then that element of seriousness is to be found in the global immiserization thesis: America has gotten rich by making other countries poor.

Furthermore, this is no less true of those who, like Chomsky, have focused on what is seen as American military aggression against the rest of the world, for this aggression is understood as having its "root cause" in America's systematic exploitation of the remainder of the human race. If American exploitation did not create misery, it would not need to use mili-

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tary force. It is the global immiserization thesis that makes the use of force an indispensable tool of American foreign policy and that is responsible, according to this view, for turning America into a terrorist state. This explains the absolute centrality of the global immiserization thesis in the creation of the specter of America now haunting so much of our world.

The Baran-Wallerstein revision of the classical immiserization thesis into its global context was far better adapted to fix what was wrong in Marxist theory than the revisionist notion of relative immiserization discussed above. For, as we have seen, what was needed was real misery, and not merely comparative misery, since without such misery there would be no breakdown of capitalism: no civil war, no revolution, no socialism. And who can doubt that great real misery exists in the Third World?

The revision offered an exotic new object of sympathy: the comfortably distant and abstract Third World victims of capitalism.

In addition to providing a new and previously untapped source of misery, the Baran-Wallerstein revision provided several other benefits. For example, there was no longer any difficulty in accepting the astonishingly high level of prosperity achieved by the work force of the advanced capitalist countries — indeed, it was now even possible to arraign the workers of these countries alongside of the capitalists for whom they labored — or, rather, more precisely, with whom they collaborated in order to exploit both the material resources and the cheap labor of the Third World. In the new configuration, both the workers and the capitalists of the advanced countries became the oppressor class, while it was the general population of the less advanced countries that became the oppressed — including, curiously enough, even the rulers of these countries, who often, to the untutored eye, seemed remarkably like oppressors themselves.

With this demystification of the capitalist working class came an end to even a feigned enthusiasm among Marxists for solidarity with the hopelessly middle-class aspirations of the American blue-collar work force. The Baran-Wallerstein revision offered an exotic new object of sympathy — namely, the comfortably distant and abstract Third World victims of the capitalist world system.

Perhaps most important, the Baran-Wallerstein revision also neatly solved the most pressing dilemma that worker prosperity in advanced capitalist countries bequeathed to classical Marxism: the absolute lack of revolutionary spirit among these workers — the very workers, it must be remembered, who were originally cast in the critical role of world revolutionaries. In the new theoretical configuration, this problem no longer mattered simply because the workers of the capitalist countries no longer mattered.

Hence the appeal of the global immiserization thesis: The Baran-

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Wallerstein revision neatly obviates all the most outstanding objections to the classical Marxist theory. This leaves two questions unanswered: Is it true? And even if it is true, does it save Marxism?

Whether the immiserization thesis is true or not is simply too complex a topic to deal with here. Indeed, for the sake of the present argument, I am willing to assume that it is absolutely true — truer than anything has ever been true before. For what I want to concentrate on is the question of whether the Baran-Wallerstein revision is consistent with Marxism's claim to represent a realistic political agenda as opposed to a mere utopian fantasy. And the short answer is that, no matter how true the global immiserization thesis might be, it does not save the Baran-Wallerstein revision of Marxism from being condemned as utopian fantasy — and condemned not by my standards or yours, but by those of Marx and Engels.

This is because the original immiserization thesis was set within the context of a class war *within* a society — an actual civil war between different classes of one and the same society, and not between different nations on different continents. This makes an enormous difference, for it is not at all unreasonable to think that a revolutionary movement could succeed, by means of a violent and bloody civil war, in gaining the monopoly of force within a capitalist society, and thus be able to dictate terms to the routed capitalists, if any survived.

But this is an utterly different scenario from one in which the most advanced capitalist societies have a monopoly of force — and brutally effective force — at their disposal. For in this case it is absurd to think that the exploited Third World countries could possibly be able to alter the world order by even a hair, provided the advanced capitalist societies were intent on not being altered.

What could *they* do to *us*?

9-11 calling

THE ANSWER TO THIS question, according to many of those who accept the global immiserization thesis, came on 9-11. Noam Chomsky, perhaps America's most celebrated proponent of the Baran-Wallerstein thesis, expressed this idea in the immediate aftermath. Here, for the first time, the world had witnessed the oppressed finally striking a blow against the oppressor — a politically immature blow, perhaps, comparable to the taking of the Bastille by the Parisian mob in its furious disregard of all laws of humanity, but still an act equally world-historical in its significance: the dawn of a new revolutionary era.

This judgment can make sense only in the context of the Baran-Wallerstein thesis. For if 9-11 was in fact a realistic blow against the advanced capitalist countries — or even just the most advanced — then here was an escape from the utopian deadlock of the global immiserization the-

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sis. Here was a way that the overthrow of world capitalism could be made a viable historical outcome once again, and not merely the fantastic delusions of a sect. This explains the otherwise baffling valorization of 9-11 on the part of the left — by which I mean the enormous world-historical significance that they have been prepared to attribute to al Qaeda's act of terror.

But was 9-11 truly world-historical in the precise sense required to sustain the Baran-Wallerstein revision? For 9-11 to be world-historical in this sense, it would have to contain within it the seeds of a gigantic shift in the order of things: something on the scale of the decline and collapse of capitalist America and with it the final realization of the socialist realm.

But this investment of world-historical significance to 9-11 is simply wishful thinking on the part of the left. It is an effort to transform the demented acts of a group of fantasists into the vanguard of the world revolution. Because if there is to be a world revolution at all there has to be a vanguard of that revolution, an agent whose actions are such as to represent a threat to the capacity of the capitalist system simply to survive. This means that it is not enough to injure it; it is not enough to wound or madden it; it is not enough to rouse it to rage — the agent must kill it, too. He must be capable of overthrowing the hegemonic power at the center of the capitalist world system.

Nothing that al Qaeda can do can cause the collapse of America and the capitalist system.

But this is absolutely implausible. Any realistic assessment of any possible scenario will inevitably conclude that nothing that al Qaeda can do can cause the collapse of America and the capitalist system. The worse eventuality in the long run would be that America would be forced to break its hallowed ideal of universal tolerance, in order to make an exception of those who fit the racial profiling of an al Qaeda terrorist. It is ridiculous to think that if al Qaeda continued to attack us such measures would not be taken. They would be forced upon the government by the people (and anyone who thinks that the supposed cultural hegemony of the left might stop this populist fury is deluded).

In other words, the only effect on America of a continuation of September 11-style attacks would be an increasingly repressive state apparatus domestically and a populist home front demand for increasingly severe retaliation against those nations supporting or hiding terrorists. But neither one of these reactions would seriously undermine the strength of the United States — indeed, it is quite evident that further attacks would continue to unite the overwhelming majority of the American population, creating an irresistible "general will" to eradicate terrorism by any means necessary, including the most brutal and ruthless.

But this condition, let us recall, is precisely the opposite of the objective

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political conditions that, according to Marx, must be present in order for capitalism to be overthrown. For classical Marxism demands, quite realistically, a state that is literally being torn apart by internal dissension. Revolution, in short, requires a full-fledged civil war *within the capitalist social order itself*, since nothing short of this can possibly achieve the goal that the revolution is seeking. Hence, 9-11-style attacks that serve only to strengthen the already considerable solidarity between classes in the United States are, from the perspective of classical Marxism, fatally flawed. For such attacks not only fail to further any revolutionary aims; they actually make the revolution less probable. A society of 300 million individuals whose bumper stickers say "United We Stand" is not a breeding ground for revolutionary activity. Nor is it a society that can be easily intimidated into mending its ways, even if we make the assumption that its ways need mending.

But if the result of 9-11 was to strengthen the political unity of the United States, then 9-11 was definitely not world-historical. The unspeakable human horror of 9-11 should not blind us to the ghastly triviality of the motive and the inevitable nullity of the aftermath.

The temptation of fantasy ideology

THE BARAN-WALLERSTEIN revision of Marxism does provide a new global reformulation of the immiserization thesis. But the locus of this misery, the Third World, does not and cannot provide an adequate objective foundation for a revolutionary struggle against the capitalist system. Rather, this foundation can be provided only by a majority of the workers in the advanced capitalist countries themselves; but, as we have seen, the effect of 9-11 on the working class of the United States was not one conducive to the overthrow and demise of capitalism. On the contrary, nowhere was the desire to retaliate against the terrorists more powerfully visceral than among the working class of the United States. The overwhelming majority of its members instantly responded with collective and spontaneous expression of solidarity with other Americans and expressions of outrage against those who had planned and carried out the attack, as well as those who attempted to palliate it.

For those who are persuaded by the Baran-Wallerstein thesis, 9-11 represents a classic temptation. It is the temptation that every fantasy ideology offers to those who become caught up in it — the temptation to replace serious thought and analysis, fidelity to the facts and scrupulous objectivity, with the worst kind of wishful thinking. The attempt to cast 9-11 as a second taking of the Bastille simply overlooks what is most critical about both of these events, namely, that the Bastille was a symbol of oppression to the masses of French men and women who first overthrew it and then tore it down, brick by brick. And while it is true that the Bastille had become the

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stuff of fantasy, thanks to the pre-1789 "horrors of the Bastille" literature, it was still a fantasy that worked potently on the minds of the Parisian mob and hence provided the objective political conditions necessary to undermine the Bourbon state. But the fantasy embodied in 9-11, far from weakening the American political order, strengthened it immeasurably, while the only mobs that were motivated by the enactment of this fantasy were those inhabiting the Arab streets — a population pathetically unable to control even the most elementary aspects of its own political destiny, and hence scarcely the material out of which a realistically minded revolutionary could hope to fashion an instrument of world-historical transformation. These people are badly miscast in the role of the vanguard of the world revolution.

Those who try to defend the fantasy ideology embodied in 9-11 are betraying Marx.

And what can we say about those in the West, allegedly acting within the tradition of Marxist thought, who encourage such spectacularly utopian flights of fantasy?

The Baran-Wallerstein thesis cannot save Marxism; and, in fact, it is a betrayal of what is genuinely valid in Marx — namely, the insistence that any realistic hope of a world-historical transformation from one stage of social organization to a more humane one can come only if men and women do not yield to the temptation of fantasy ideology, even — and, indeed, especially — when it is a fantasy ideology dressed up to look like Marxism.

Instead, the Baran-Wallerstein thesis has sadly come to provide merely a theoretical justification for the most irrational and infantile forms of America-bashing. There is nothing Marxist about this. On the contrary, according to Marx, it was the duty of the non-utopian socialist, prior to the advent of genuine socialism, to support whatever state happened to represent the most fully developed and consistently carried out form of capitalism; and, indeed, it was his duty to defend it against the irrational onslaughts of those reactionary and backward forces that tried to thwart its development. In fact, this was a duty that Marx took upon himself, and nowhere more clearly than in his defense of the United States against the Confederacy in the Civil War. Only in this case he was defending capitalism against a fantasy ideology that, unlike that of radical Islam, wished to roll back the clock a mere handful of centuries, not several millennia.

Those who, speaking in Marx's name, try to defend the fantasy ideology embodied in 9-11 are betraying everything that Marx represented. They are replacing his hard-nosed insistence on realism with a self-indulgent flight into sheer fantasy, just as they are abandoning his strenuous commitment to pursuit of a higher stage of social organization in order to glorify the feudal regimes that the world has long since condemned to Marx's own celebrated trash bin of history.

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America-bashing has sadly come to be "the opium of the intellectual," to use the phrase Raymond Aron borrowed from Marx in order to characterize those who followed the latter into the twentieth century. And like opium it produces vivid and fantastic dreams.

This is an intellectual tragedy. The Marxist left, whatever else one might say about it, has traditionally offered a valuable perspective from which even the greatest conservative thinkers have learned — including Schumpeter and Thomas Sowell. But if it cannot rid itself of its current penchant for fantasy ideology of the worst type, not only will it be incapable of serving this purpose; it will become worse than useless. It will become a justification for a return to that state of barbarism mankind has spent millennia struggling to transcend — a struggle that no one felt more keenly than Marx himself. For the essence of utopianism, according to Marx, is the refusal to acknowledge just how much suffering and pain every upward step of man's ascent inflicts upon those who are taking it, and instead to dream that there are easier ways of getting there. There are not, and it is helpful to no party to pretend that there are. To argue that the great inequalities of wealth now existing between the advanced capitalist countries and the Third World can be cured by outbreaks of frenzied and irrational America-bashing is not only utopian; it is immoral.

The left, if it is not to condemn itself to become a fantasy ideology, must reconcile itself not only with the reality of America, but with its dialectical necessity — America is the sine qua non of any future progress that mankind can make, no matter what direction that progress may take.

The belief that mankind's progress, by any conceivable standard of measurement recognized by Karl Marx, could be achieved through the destruction or even decline of American power is a dangerous delusion. Respect for the deep structural laws that govern the historical process — whatever these laws may be — must dictate a proportionate respect for any social order that has achieved the degree of stability and prosperity the United States has achieved and has been signally decisive in permitting other nations around the world to achieve as well. To ignore these facts in favor of surreal ideals and utterly utopian fantasies is a sign not merely of intellectual bankruptcy, but of a disturbing moral immaturity. For nothing indicates a failure to understand the nature of a moral principle better than to believe that it is capable of enforcing itself.

It is not. It requires an entire social order to shelter and protect it. And if it cannot find these, it will perish.

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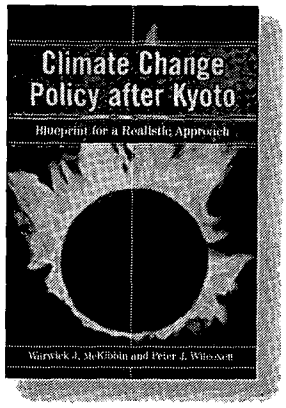

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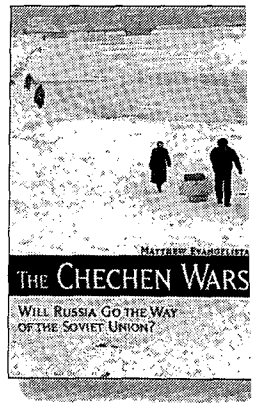

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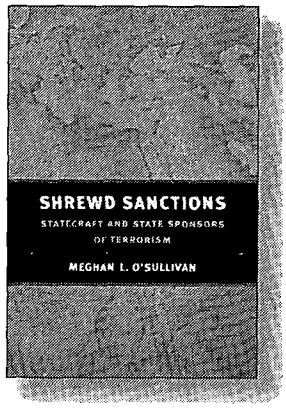

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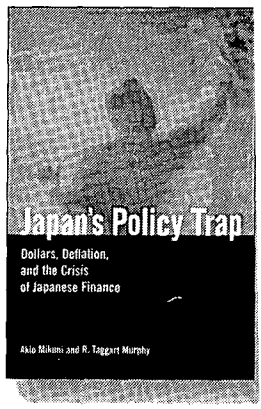

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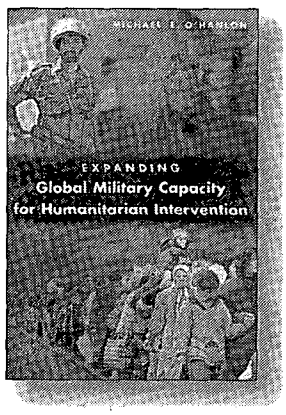

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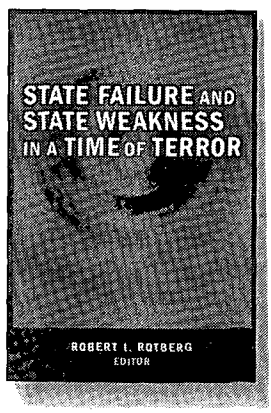

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The New Diplomacy

By David Davenport

In April 2002, delegates from 66 nations and dozens of nongovernmental organizations (NGOs) gathered at United Nations headquarters in New York to celebrate the ratification of the treaty creating the International Criminal Court (ICC). In the back of the room, the chair reserved for the delegate from the United States stood empty, and in a subsequent letter, the Bush administration confirmed that the U.S. would not participate in or be bound by the court in any way. The treaty establishing the court entered into force on July 1, 2002, thereby creating what many describe as the most important international institution since the United Nations over the opposition of the most powerful nation in the world.

The celebratory spirit in New York was nothing compared to the delegates' reaction in Rome in the summer of 1998. After five weeks of negotiation over the ICC treaty, the United States was clearly frustrated with the power politics and maneuvering of a group that called itself "like-minded"

David Davenport is a research fellow at the Hoover Institution. His monograph, "The International Criminal Court: Rush to Justice?" was recently published by the National Legal Center for the Public Interest.

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states and their collaborators, the NGOs. On the final day, the U.S. called for a vote and found itself on the losing side by a stunning 129-7. Normally reserved diplomats broke out in cheers and chants, accompanied by rhythmic stomping and applause. Yes, the treaty creating an International Criminal Court had been approved, but more than that, the "new diplomacy" had won a major victory over the United States.

Debuting as the "Ottawa Process" in 1996, the new diplomacy successfully led a fast track campaign of NGOs and small and medium sized nations to a treaty banning anti-personnel land mines. The bold break from traditional processes, the innovative methodology, and the amazing speed of these efforts won widespread attention, as well as a share of the 1997 Nobel Peace Prize for the NGO leader, American Jody Williams. Still, there were unique features to developing the land mine treaty that did not seem easily replicable, and few could foresee that the Ottawa Process might be the first act of a major new diplomatic drama. With Act Two, the establishment of an International Criminal Court, under its belt, the new diplomacy has now moved from its Ottawa debut to the center stage of the diplomatic world in Rome and New York. It is time for a critical review of its performance, including an understanding of its actors and methods, how others including the United States might interact with it, and what the future for the new diplomacy may hold.

The end of Cold War diplomacy

THE END OF THE Cold War and its predictable structure of international relations set the stage for new forms of diplomacy. From the close of World War II to the fall of the Berlin wall, the great powers that opposed Hitler dominated the diplomatic stage.

In a bipolar world based on ideology, the opposing forces lined up in conventional ways, with both military and diplomatic battles fought between states. Even the structure of international organizations such as the United Nations bore the stamp of the great powers, with the five permanent members of the Security Council able to veto proposals not consonant with their national interest. The Cold War drama generally pitted the U.S. versus the Soviet Union, often involving surrogate states.

In his 1992 state of the union address, President George H.W. Bush took note of the changing global scene, boasting that the United States was now the world's "sole and preeminent power" and the "undisputed leader of the age." Familiar, perhaps even comfortable, with a bipolar world, experts began the search for the next American rival. Much attention focused on China, though it seemed to be some distance away from superpower status. Others wondered whether Europe, beginning to band together for trade and monetary policy, might form an influential bloc. Most assumed that the U.S. alone would dominate the post-Cold War world or that, ultimately, alliances

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or other countries would rise to challenge its leadership.

But a funny thing happened on the way to American supremacy. No sooner had the United States won the bipolar superpower game than the rules of international law and politics began to change. For example, a few great powers more easily set the agenda when there were fewer nation-states; but with 189 nations in the U.N., compared with 51 generally recognized states in 1945, global leadership is more widely dispersed. Indeed, on many international matters, states — whether great or small — are not even providing the key leadership. Instead, thousands of nongovernmental organizations have come on stage in recent years, driving their own issues to the top of the diplomatic agenda. Some have said they no longer trust governments to represent them on matters of international concern.

Not only have the actors changed, but so also have the methods. Technology has enabled the creation of new and rapid means of communication. The emergence of CNN and other worldwide media has created instant marketing for global agendas. Globalization of the world economy has given rise to more integrated approaches to international concerns. And the spread of democracy around the world has created a greater sense of expectation, even entitlement, in policymaking of all kinds. The mantle of international leadership is no longer conferred by economic and military power alone; instead, the power of ideas, and how they are communicated and marketed, has come to the fore.

Some have adapted to the post-Cold War changes and to the new diplomacy more readily than others. International law is more of a moving target than one might think; as the French writer Maurice Bourquin once noted, "International law is a legal crystallization of international politics." The Ottawa Convention on land mines and the Rome treaty establishing the International Criminal Court demonstrate that new diplomatic methods are enacting a new global politics into international law.

The Ottawa Process: land mines

LIMITATIONS ON THE use of land mines and other weapons of war have traditionally been the province of international arms control and disarmament experts. Meeting behind closed doors in the United Nations — whether in New York, Geneva, or elsewhere — these specialists engage in lengthy and highly technical negotiations, generally over a period of years, shaping new policies and international agreements. Government diplomats and military advisors may spend years setting an agenda, negotiating rules of procedure, identifying relevant issues, reviewing technical reports, and ultimately developing and debating various proposals about arms limitations. All of this occurs outside of public view and well in advance of publicized meetings among senior government officials and heads of state. Like the mills of the ancient Greek gods, the

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wheels of international law grind slowly.

The wheels of just such a process were turning methodically toward international agreements limiting the use of antipersonnel land mines. The U.N. Convention on Certain Conventional Weapons (CCW) was at work on the matter, and the U.N Conference on Disarmament in Geneva had been established for just this sort of negotiation. Nevertheless, some human rights organizations and other NGOs were concerned that these processes were moving too slowly and that the official agenda — limitations on the weapons rather than a total ban — was too limited.

A new nongovernmental organization, the International Campaign to Ban Landmines (ICBL), along with the International Committee of the Red Cross, concluded that an entirely new approach was needed. Going beyond the traditional NGO roles of direct humanitarian aid and advocacy, these organizations essentially established an agenda that would boldly step outside the normal diplomatic processes and, with the collaboration of sympathetic small and middle power states, called their own meeting to seek the complete ban of land mines. As Canadian political scientists Michael Dolan and Chris Hunt later observed, such a process was "inexplicable in the context of conventional international relations."

NGOs active in international affairs have proliferated dramatically, at least quadrupling in the past decade.

The lead actors in pressing the activist agenda during 1996-97 were the NGOs. The ICBL acted as a sort of master NGO, ultimately attracting over 1,000 NGOs from more than 60 countries as participants. Estimates vary, but most agree that the number of NGOs participating in international activity has grown dramatically, at least quadrupling in the past decade, so that there are now some 50,000 of them. Once relegated to the hallways of official proceedings, the NGOs at the meeting called in Ottawa were front and center, advancing the agenda, drafting proposals, and pressing the delegates. In a survey of delegates following enactment of the treaty, NGO pressure was cited as the No. 1 factor in states' decisions to support the ban of land mines.

Simultaneously, a group of "like-minded" small and medium-sized nations, headed by Canada, supplied the necessary element of state leadership. Indeed, it was Canadian Foreign Minister Lloyd Axworthy who shocked the delegates gathered at the meetings in Ottawa when he announced a goal of having a treaty within fifteen months (a target that was met). The original core group of countries also included Norway, Austria, and South Africa. These leadership states worked hand in hand with the NGOs every step of the way.

To seasoned diplomats, the Ottawa Process doubtless appeared to be

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somewhat amateurish and unscripted as it unfolded. There were, however, several clear lines along which the entire effort proceeded. Certainly the unprecedented role of NGOs and their strong partnership with like-minded governments was one of the most important aspects. Beginning the effort with a large, open conference — "Towards a Global Ban on Anti-Personnel Mines in Ottawa," with representatives from over 50 countries and 24 observer states — created a climate and set of expectations different from the traditional approach of small negotiating sessions behind closed doors.

A core group of states and NGOs highly committed to a specific outcome in a compressed time frame was also a major factor in the success of the new diplomacy. Such a process may seem obvious to a corporate executive or a labor union official, but it is not the way international agreements are generally developed. Since international law is created when individual states cede some of their rights to the whole, those negotiations historically aim for unanimity, or at least a very broad consensus. To the NGOs passionately committed to their agenda, however, such a process seemed destined to accept the lowest common denominator. The vision of these treaty proponents was quite different, reflected by the requirement of a two-thirds majority vote, not a consensus. They were prepared to accept less national participation, if necessary, in order to keep the central content of their proposals intact. Their refrain was to press for "a treaty worth having."

They were prepared to accept less national participation in order to keep their proposals intact.

The day-to-day activity of the new diplomacy took on more of the character of a marketing campaign than of a traditional treaty negotiation. Proponents of the treaty flooded delegates with faxes, email messages and even a steady stream of calls to their cell phones. When delegates arrived for negotiation, those in charge of the new diplomacy would have prepared a message for the day, often aimed at ridiculing a position, especially of the U.S., that was perceived as an attempt to weaken the treaty. One participant said, "the campaign . . . was unlike any I had encountered before in any arms control or disarmament initiative. . . . They had a newsletter, mines laid out on the floor, videos showing between delegates' meetings and very aggressive lobbying, pigeonholing, and browbeating of the delegates." With a strong human rights focus, not a military arms control approach, Canadian Foreign Minister Axworthy openly referred to the campaign as "the mobilization of shame."

The United States was slow to understand and respond to this new diplomacy. By the time it circulated a letter outlining the substantive changes to the text needed for American support, the bandwagon already had too much momentum to stop. As its long-time northern neighbor and ally, Canada made some attempts to bring the U.S. on board, but there was also

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a strong measure of anti-American sentiment that seemed happy to pass a treaty over U.S. objections. In the end, the United States was able to achieve very little revision of the treaty and was left, along with Russia, China, and other powers, standing on the outside as a non-signatory state.

Ironically, the land mines treaty entered into force without the support of nations representing over half of the world's population. Nevertheless, both the result and the process were widely lauded. United Nations Secretary General Kofi Annan observed that "the fight against landmines has become a model of international co-operation and action; this proves that a coalition of governments, NGOs, international institutions and civil society can set a global agenda and effect change." Observers would only need to wait a year to see the new diplomacy at work again, under very different circumstances.

The Rome Statute

THE NEXT ACT in the new diplomacy began as delegates gathered in Rome in the summer of 1998 for yet another round of negotiation over the shape of a proposed new International Criminal Court. Major issues remained unresolved, and few could have expected the five-week session to conclude in agreement. Nevertheless, a coalition of NGOs and like-minded nations, very much like the one that pushed through the land mines treaty, was prepared to move the court onto a fast track and to leave Rome with a treaty approved for ratification. Once again, the new diplomacy, moving rapidly with focused determination, produced surprising results.

As in Ottawa, the NGOs and like-minded nations did not pursue an entirely new international objective, but instead took an idea already under development and moved it onto a much faster and very different ideological track. The concept of an international criminal court had been discussed for nearly a century, and it was one of three main agenda items before the United Nations at the end of World War II. With temporary, ad hoc criminal tribunals established to try atrocities in Rwanda and the former Yugoslavia in the 1990s, the idea of a permanent court gained momentum.

The traditional diplomatic approach for developing an international criminal court was well underway before the like-minded nations and NGOs entered the scene. The U.N. General Assembly logically called upon the International Law Commission (ILC) to prepare a draft statute for the court, which was completed in 1994. In 1996, the General Assembly called upon a Preparatory Committee to use the draft statute as a basis for a "widely acceptable consolidated text" in preparation for a diplomatic conference. Instead of a consolidated text, the PrepCom produced a report compiling various proposals, so that when delegates arrived in Rome, virtually every major issue was open for debate.

It is instructive to note how the International Criminal Court would have

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been different had the new diplomacy not hijacked the process in Rome and had the approach developed by the International Law Commission prevailed. For one thing, the jurisdiction of the court would have been more clearly defined and carefully delimited. There would have been no independent prosecutor deciding on his or her own initiative which cases to pursue. Instead, jurisdiction would have been based on state consent or U.N. Security Council approval. The crime of aggression, left open-ended and undefined in the Rome Statute, would have been tied to a finding of aggression by the Security Council. And there certainly would have been more time and opportunity under the traditional approach to iron out difficult issues and reach consensus. Significantly, the court proposed by the ILC doubtless would have enjoyed the support of the United States and other powers, affording greatly enhanced resources, power, and reputation.

The tools of the new diplomacy became more sharply honed in the ICC process.

As in the Ottawa Process, however, single-minded NGOs, supported by like-minded nations such as Canada, most of the European Union, and some African states, were determined to have a different kind of court. An independent prosecutor and relative freedom from what many viewed as the outmoded U.N. Security Council were their articles of faith. The NGOs and like-minded states also sought wide latitude for an "Assembly of States Parties" to oversee the court, allowing it to expand crimes or add new ones by a two-thirds vote. Inclusion of the crime of aggression, not well defined by customary international law, became a further point of contention between those who favored the ILC model court and the practitioners of the new diplomacy.

A study of those who led the ICC new diplomacy reveals remarkable parallels with the Ottawa Process. Once again, a thousand nongovernmental organizations came together under a master NGO, the Coalition for the International Criminal Court (CICC). As in Ottawa, the NGOs were central players, involved in setting the agenda, drafting documents, and lobbying delegates. Indeed, there were frequent private meetings between the NGO and like-minded states' leadership throughout the process. Each viewed the other as indispensable to the success of the new diplomacy.

The tools of the new diplomacy became more sharply honed in the ICC process. Speed was again a key, as the leaders sought to leave the five-week Rome conference with an approved treaty and then undertook to complete the ratification process in record time. Self-imposed deadlines, almost unheard of in the slow, deliberate world of customary international law, limit the opportunities for dissent and compromise.

In Rome, the haste was such that drafts were not reviewed by appropriate committees and the final proposal was not distributed until the early morning hours of the final day. Unable to agree upon a definition for the crime of

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aggression, the conference decided to include it anyway and complete the definition later.

A second tactic of the new diplomacy in Rome was bundling the key elements of the court into a package that became a take-it-or-leave-it proposal, not subject in the end to further compromise. Although the rhetoric of the new diplomacy favors "open" and "transparent" processes, the chairman held drafts very close to the vest. Late in the day, he presented "the package," as it became known, from which the NGO and like-minded leadership would not move. One diplomat complained that the U.N. charge to find wide agreement could well have been reached, but instead there was only "the package." Additionally, the Rome Statute provided no possibility of a nation signing "with reservations," reflected in the Vienna Convention on the Law of Treaties as a standard part of international treaties, which reinforced the yes-or-no stance of the new diplomacy's leadership. As with the element of time deadlines, such a nonnegotiable approach is most out of character with the thorough, consensus-based processes of international law.

The new diplomacy replaces the consensus-based approach with a straight vote of nations.

A third tool in the new diplomacy kit replaces the consensus-based approach of customary international law with a straight vote of nations. Indeed, the bar for approval of the Rome Statute was set remarkably low, with the court to be approved upon ratification of only 60 nations out of 189 in the United Nations. For a court that purports to have worldwide jurisdiction, even over citizens of countries that do not sign the treaty, this is a narrow base of approval. Further, such a process takes no account of geographic representation, population base, or strategic considerations, but simply relies upon a one-nation-one-vote approach. The International Criminal Court went into effect on July 1 with fewer than half the nations of the world ratifying it, representing considerably less than half the population of the world. Strategic powers including not only the United States, but China, India, Japan, and Russia were all absent, while the total ratification number was padded with small states that traditionally play little part in international affairs.

Yet another tactic of the new diplomacy is a willingness to take issues outside of the normal international decision-making forum and create a new process. The ad hoc criminal tribunals for Rwanda and the former Yugoslavia, for example, were both created under the auspices of the United Nations and its Security Council, but the practitioners of the new diplomacy do not favor the Security Council because it can be controlled by some of the more powerful nations of the world. That such power has been established for years as a result of international political realities does not trouble

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the leaders of the new diplomacy, who dismiss it as anachronistic. But rather than tackling it head-on and attempting to change the process through the United Nations, they design independent processes that circumvent the U.N. charter. This follows the land mines precedent, which moved the debate out of the U.N. arms control processes and into a forum controlled by advocates of a total ban.

All these tools are topped off by the use of a vocabulary and marketing techniques that are somewhat novel in the world of international law. The various efforts of the new diplomacy are characterized by the terms "participation," "empowerment," "people-centered," and "consensus." Indeed, new diplomacy drafts are circulated as "consensus documents." The goals are communicated in the language not of international law or organizations but of human rights. By contrast, the approach of the traditional diplomacy is said to be anachronistic, and the United States is variously deemed arrogant, aloof, or Neanderthal.

American diplomats seemed unprepared for the fast track process in Rome.

The most powerful tool of the new diplomacy is replacing the leadership of the U.S. and other world powers with that of nongovernmental organizations and smaller states. The United States, for example, had been a key supporter of every international criminal tribunal created and had backed the processes that developed the International Law Commission draft. But when it became clear in Rome that the U.S. could not support some of the major shifts away from the ILC concepts of the court, the U.S. was left behind. There is much talk about the American refusal to support the International Criminal Court as part of its unfortunate isolationist stance or unilateralist preferences, but the fact is that proponents of the new diplomacy knew they were pursuing a treaty that was out of step with all prior concepts of the court and one that the U.S. could not support. NGOs not fully supportive of the concepts of the court were essentially cut out of the process. As one observer asked, "Who elected these NGOs anyway?" The new diplomacy rhetoric of "soft power" and "collaboration" masks major power plays and dramatic shifts in the process.

It is surprising that the United States could again be caught flat-footed by the new diplomacy, but American diplomats seemed unprepared for the fast-track process in Rome. Despite decades of support for international criminal courts, the U.S. was left out of key strategy sessions. When it was clear that proponents of the court were not going to accept compromises fundamental to the United States, American diplomats themselves called for a vote, only to end up on the losing end of a lopsided outcome.

Of course, much remained to be done in developing the court, even after Rome, and the Clinton administration seemed uncertain of its course. Despite voting "no" in Rome, President Clinton ultimately signed the treaty

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on the last possible day and in his final month in office. This ambivalence reflects underlying American support for the concept of an international criminal court but deep reservations about the structure of the court as it was developed in Rome. Signing the treaty also reflected the Clinton view that the U.S. should remain engaged in the ongoing processes of the court, perhaps in an effort to help shape them, rather than remain on the outside.

The Bush administration has taken a firmer stand against the court. In addition to leaving its seat empty at PrepCom meetings developing the court, the U.S. sent a letter to the United Nations indicating its intention not to be bound by the court in any way. Some argued that this step was both pointless and inappropriate, an attempt to "unsign" an international treaty. In fact, the Vienna Convention on the Law of Treaties provides that those who sign a treaty, whether they ultimately ratify it or not, are obligated not to take steps against the treaty unless they indicate an intention not to be bound by it. The U.S. letter simply closed that legal loop. It remains to be seen whether the court will attempt to entertain jurisdiction over U.S. defendants, as it claims the right to do, in the face of such clear U.S. policy.

As the treaty entered into force on July 1, the United States undertook the further step of seeking U.N. Security Council protection from ICC prosecution for American troops participating in United Nations peacekeeping operations. This request was highly controversial and approved on only a temporary basis. The U.S. has also begun to request bilateral agreements with other nations promising they will not turn Americans over to the court. Widely criticized by the like-minded states and NGOs, the U.S. is finally confronting the new diplomacy in a direct and proactive way.

A critical review

After rehearsing parts of its repertoire at U.N. conferences, in the meetings negotiating the Kyoto Protocol on climate and elsewhere, the new diplomacy now has two full performances under its belt in Ottawa and Rome. Although the United States was apparently surprised by the new diplomacy each time, this approach is now clearly at center stage and deserving of critical review.

For those who believe history repeats itself, that the end of a war should create a climate for new international organizations and a new diplomacy comes as no great surprise. The conclusion of World War II brought with it international criminal tribunals in both Nuremberg and Tokyo, and the birth of the United Nations in San Francisco. An even more obvious parallel may be drawn to President Woodrow Wilson's new diplomacy following World War I. Blaming the war in part on secret treaties, Wilson called for "open covenants, openly arrived at." Indeed, Harold Nicolson, an official in the British Foreign Office, crafted a comparison of the old and new diplomacies in 1919 that could well describe the changes today. Whereas the old

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diplomacy, Nicolson wrote, was secret, undemocratic, bilateral, positional, pragmatic, and carried out by a few large states, the new diplomacy was just the opposite: open, democratic, multilateral, principled, idealistic, and accomplished by the many small states. Perhaps the new diplomacy is not really all that new.

New does not, however, necessarily mean improved. While those carrying out the new diplomacy must be commended for their commitment, shrewdness, and effectiveness, international law and diplomacy have not been wholly improved by what they have done. There are several respects in which the new diplomacy does not really deliver what it promises and, at the same time, fundamentally undermines the practice of statecraft.

One claim of the new diplomacy is that it represents people, not governments. One of its leaders, former Canadian Foreign Minister Axworthy, argues that the greatest threats to security and safety have historically come from armed conflicts between states and that, therefore, the work of foreign ministers was to facilitate relations at that level. Now, however, most armed conflicts are internal in nature, and the greater risks to personal safety and security, the new diplomacy advocates assert, are in daily life — food, shelter, employment, public safety, and the like. As Axworthy concludes, "This is the paradigm shift for international security: from a concern with protecting and enhancing the security of states, to the protection and security of civilians." This new form of individual security, it is claimed, calls for NGOs and governments sensitive to these issues to step outside the normal state-to-state diplomacy and develop separate international institutions and programs to address concerns of individuals.

The tactics of the new diplomacy undercut the claim that it represents people, not governments.

Even assuming the great risks of twenty-first century global life are personal and not national in nature, it takes quite a leap of logic to conclude that NGOs and someone else's government should be setting standards and enforcing policies for you rather than your own national leaders. Would it not be the role of the United Nations and its various agencies, and the many nonprofits and NGOs, to provide education and assistance to those nations whose people face special security threats, as opposed to enacting standards in treaties and enforcing them? Nation-building, rather than externally imposed programs and treaties, would seem to be a more appropriate form of aid for NGOs and the United Nations to provide.

Furthermore, the tactics of the new diplomacy undercut the claim that it represents people rather than governments. Both the Ottawa Landmines Treaty and the Rome Statute for the International Criminal Court were adopted by votes of nations, not people. To impose a treaty on the world with less than half its people in support undercuts the very principles for

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which these organizations claim to stand.

A related concern about the new diplomacy is whether NGOs are appropriate and reliable leaders. The typical NGO is a passionate, single-issue organization, often suffering from tunnel vision. Although by definition they are not seeking a profit, these NGOs are nevertheless special-interest groups that would sacrifice a wide range of other international values to pursue their own agenda. This is the very kind of focused, narrow group that makes Americans nervous in domestic politics, let alone in an undemocratic international setting. Indeed, most of the NGOs involved with the new diplomacy are from the U.S. and, by playing directly on the international political scene, are essentially seeking to accomplish internationally what they cannot achieve domestically. Like Archimedes, they have found a place to stand and, through the new diplomacy, seek to move the world.

It is one thing to develop the infrastructure for a world court, but quite another to make it work.

The NGO methodology is also troubling. Unlike governments, NGOs are really accountable to no one, which makes them potentially dangerous players in a political negotiation. They also, by their nature and history, tend to approach problems in an adversarial and rhetorical manner, contrasted with the consensual and legal nature of most treaty negotiations. Indeed, though the delegates creating the International Criminal Court are developing a legal institution, many of the working sessions, considered from a legal perspective, reflect a very poor quality of debate and discussion. NGOs passionately believe they should be running whatever process is related to the issue around which they are formed. This makes them better advocates than leaders of a complex legal negotiation, with its give and take and need for consensus.

Finally, one must make value judgments about whether the choices made in the name of the new diplomacy constitute improvements in international law and diplomacy. For example, the new diplomacy clearly represents a shift away from the slow, consensual development of customary international law toward votes on statutes and treaties. It is one thing to develop the infrastructure for a world court, for example, but quite another to give it teeth and make it work. Supporters of the new diplomacy may very well have gotten their court by sacrificing the wider participation that could have made it more effective.

The new diplomacy also devalues national sovereignty in favor of multilateral agreements. By failing to ratify the treaties, several powerful nations, including the U.S., Russia, China, and India, have already signaled that this is not a tradeoff they are prepared to make. Less powerful nations like Canada may feel they have less to lose. European states are already giving up sovereignty to the European Union, so this development may be comfort-

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able for some of them as well. But the sort of work the new diplomacy does, moving from the grass roots to international organizations, ignoring the national government in between, will be threatening to many states and is not likely to receive universal support.

The future of the new diplomacy

For those who prefer a bipolar political world, one appears to be shaping up, at least in the arena of international law and organizations. On one side are the globalists, who have seized the moment and moved proactively to advance an agenda of strong international organizations and treaties. On the other side are those who continue to believe in the primacy of the nation-state system, with international law and organizations playing a secondary role where needed. An observer at the Rome conference described the two camps as idealists vs. realists. Lloyd Axworthy was less charitable when he sized up the competing groups: "The debate is not, as Mr. Bush said, between those who are the so-called 'axis of evil' versus the good guys; the real debate is between those who believe in the rule of law, international cooperation and collaboration, as opposed to those who think you can make your way by using force."

However one characterizes them, those who are practicing the new diplomacy have won major victories and are not likely to stop now. Indeed, the NGOs and like-minded states continue to meet to discuss what additional projects they might tackle together. One need only listen to their rhetoric, and that of the U.N. leadership, to speculate about what other projects might be on the new diplomacy horizon. In a larger sense, their agenda is no less than setting the global agenda and, as U.N. documents describe it, constructing a "new global architecture for the twenty-first century." The report of the Commission on Global Governance, with its lovely title ("Our Global Village") and anti-American tone, speaks of organizing life on the planet not by balancing the power among nations, but by constraining the states themselves. This is the agenda of the new diplomacy.

The particulars of the new diplomacy agenda may well fall under the United Nations' general heading of "sustainable development." This term, increasingly prevalent in U.N. rhetoric, suggests that the future is less about growth and development and more focused on limiting development to sustainable levels. Some believe Canada and others have in mind placing limitations on "excessive" military expenditures by nations. Clearly, other arms, beyond land mines, have been targeted for elimination. With a large number of the NGOs characterized as human rights organizations committed to advancing gender equity and to protecting the rights of children, those issues are likely to come to the fore. Eliminating the death penalty may be one of the goals. A U.N. official who investigated capital punishment in the United States revealed that the United Nations "has gradually shifted from the posi-

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tion of a neutral observer . . . to a position favouring the eventual abolition of the death penalty." This is a classic example of a matter of state policy that could well become internationalized if the new diplomacy has its way.

For its part, the United States and other world powers that oppose the globalist new diplomacy agenda need to become more proactive. At a minimum, they must see the new diplomacy and its plans more clearly and engage its efforts much earlier in the process. Indeed, it may be time for a role reversal between NGOs and governments. Whereas for years NGOs have monitored the actions of governments, as the key actors in public policy, governments now need to watch NGOs who are taking the lead.

It is part of the agenda of the new diplomacy to attempt to isolate the United States and then to criticize it for its isolation. In response, the U.S. needs to rebuild its own networks, both public and private. In this arena of international law and organizations, the U.S. may have more in common with Russia, China, India, and Japan, for example, than with its traditional European allies. Greater efforts should be made to explore alliances with these nations on international negotiations. Perhaps, as one commentator suggested, we are entering a time of "polylateral" diplomacy, where major actors will have to balance and juggle a host of players and interests in shifting alliances.

The United States should also encourage NGOs that do not favor the globalist agenda to become more active. At meetings about climate, for example, the NGOs are heavily environmentalist. At sessions surrounding the International Criminal Court, they all favored an active world court system. It is important that NGOs with an interest in policy from other perspectives engage in these processes. That work will not be easy, since the global and human rights NGOs are already active and in place, but it must be done.

Finally, there is the question of whether, as the world's only superpower, the U.S. can be content to stand on its own and fight defensive battles against treaties that are not in its national interest. When former U.S. Senator Bob Dole was sometimes referred to as "Senator Gridlock," he responded that there were a lot of bad ideas in Washington and someone needed to stop them. It may be that initially the U.S. will have to engage the new diplomacy in this way, demonstrating that it has the power to stop many of its products or, by not participating, to render them meaningless. If so, the U.S. will need to be far more effective than it has been in Ottawa and Rome. Ultimately, however, the U.S. should be prepared to lead, with a clear agenda and strong networks of support. Many of the worthwhile and legitimate issues at stake, most especially concerning human rights and safety, can be better achieved by working through governments and nations than by countenancing a new system that stands outside the state structure.

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Overcoming Motherhood

Pushing the limits of reproductive choice

By CHRISTINE STOLBA

TO INVOKE PROMETHEUS, the figure of Greek myth who was punished by Zeus for stealing fire from Hephaestus and giving it to humans, has become a popular warning against scientific hubris in our new age of biotechnology and genetic engineering. But the second half of the Promethean myth offers a further warning: Prometheus's defiant act led Zeus to dispatch a woman, Pandora, to unleash her box of evils on the human race — and thus eliminate the power differential that access to fire briefly had given mankind.

Pandora's box of dark arts is an apt metaphor for human reproductive technologies. Despite being hailed as important scientific advances and having succeeded in allowing many infertile couples to have children, the next generation of these technologies offers us a power that could prove harmful to our understanding of what motherhood is. This new generation of reproductive technologies allows us to control not merely the timing and quantity of the children we bear, but their quality as well. Techniques of human genetic engineering tempt us to alter our genes not merely for therapy, but

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Christine Stolba is a fellow at the Ethics and Public Policy Center.

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for enhancement. In this, these technologies pose moral challenges that are fundamentally different from any we have faced before.

Contemporary human reproductive technologies range from the now widely accepted practice of in-vitro fertilization (IVF), where physicians unite egg and sperm outside the woman's body and then implant the fertilized egg into the womb, to sophisticated sex selection techniques and preimplantation genetic diagnosis of disease and disability in embryos. Today, for-profit clinics, such as Conceptual Options in California, offer a cafeteria-like approach to human reproduction with services such as IVF, sex selection screening, and even "social surrogacy" arrangements where women who prefer not to endure the physical challenges of pregnancy rent other women's wombs. New techniques such as cytoplasmic cell transfer threaten to upend our conceptions of genetic parenthood; the procedure, which involves the introduction of cytoplasm from a donor egg into another woman's egg to encourage fertilization, could result in a child born of three genetic parents — the father, the mother, and the cytoplasm donor — since trace amounts of genetic material reside in the donor cytoplasm. Doctors in China recently performed the first successful ovary and fallopian tube transplant, from one sister to another, which will allow the transplant recipient to conceive children — but from eggs that are genetically her sister's, not her own.

Modern feminism offers few ethical moorings as we confront these new technologies.

The near future will bring uterus transplants and artificial wombs. Scientists at Cornell University are perfecting the former, while researchers at Juntendou University in Tokyo, who have already had success keeping goat fetuses alive in artificial wombs for short spans of time, predict the creation of a fully functional artificial womb for human beings in just six years. Cloning technologies eventually could fulfill even the most utopian of feminist yearnings: procreation without men via parthenogenesis, something that excited the passions of Simone de Beauvoir in 1953. "Perhaps in time," she mused in *The Second Sex*, "the cooperation of the male will become unnecessary in procreation — the answer, it would seem, to many a woman's prayer."

De Beauvoir was correct to identify women's hopes as a powerful force in modern challenges to old-fashioned procreation, but these hopes also pose serious ethical challenges. Contemporary feminism's valorization of "choice" in reproductive matters and its exaltation of individualism — powerful arguments for access to contraceptives and first-generation reproductive techniques — offer few ethical moorings as we confront these fundamentally new technologies. In fact, the extreme individualism of the feminist position is encouraging women to take these technologies to their logical, if morally dubious conclusion: a consumer-driven form of eugenics.

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The primacy of choice

OUR BIOTECH ERA has exposed a serious contradiction in feminist thinking: Feminists want women to maintain absolute control over reproductive decisions, but thus far their arguments have rested on a feeble hope that women will not choose to do detrimental things. They have failed to construct a plausible and stable ethical basis upon which to make morally sound decisions about human reproductive technologies. The feminists' approach to gene therapy for the purposes of enhancement, for example, is little different from their stance on plastic surgery — we are told that it does not serve women's best interests but are given no ethical guidance on the elimination of these incorrect desires. What happens when women, as avid consumers, exercise that control and use sperm sorting to give birth only to sons, or as their justification for genetically manipulating their children?

The triumph of individual choice as an unassailable right also prevents us from engaging in important debates about the broader social implications of reproduction and the technologies that promise to change its meaning. Drawing the delicate line between genetic therapy and enhancement is a difficult task, and quality of life a malleable concept. Recently, a woman with a history of early-onset Alzheimer's disease paid a fertility clinic to screen her IVF-created embryos for the defective gene, discard the embryos that were found to have it, and implant a "clean" embryo that did not carry the genetic marker. Is this eugenics, preventive therapy, or simply the neutral exercise of individual choice?

The desire to control reproduction and conquer biology was a central part of the feminist-driven political and sexual revolutions of the late twentieth century. In her 1970 manifesto, "The Dialectic of Sex," radical feminist Shulamith Firestone wrote that the "first demand" of a feminist social order would be "the freeing of women from the tyranny of their reproductive biology by every means available." In their push to populate classroom, courtroom, and boardroom, feminists implicitly endorsed Firestone's goal, securing the contraceptive and abortion rights they saw as crucial for women's advancement in the public realm. Feminism insisted that women try to overcome, or at least willfully ignore, biological realities.

By the late twentieth century, the feminist movement's effort to liberate women from reproduction had produced unexpected results. A majority of women routinely used birth control, accepted abortion as a right, and viewed IVF and other first-generation reproductive technologies as useful tools of last resort for the infertile. But the women who embraced the feminist message about reproduction — the daughters of the sexual revolution — eventually felt that message's sting personally. They found themselves entering middle age with ripe careers but declining fertility. Today they form

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a large portion of the fertility industry's customers, spending tens of thousands of dollars for a single chance to cheat time. The facts are stark: According to a January 2002 report on aging and infertility in women, published by the American Society for Reproductive Medicine, a woman's fertility begins to decline in her late twenties and drops precipitously around the age of 35. Although fertility experts quibble over precise odds, there is a consensus that by the time a woman is in her forties, her odds of having a child, even with some form of intervention, are less than 10 percent. For these women, reproduction is not the tyranny imagined by Firestone, but an unfulfilled hope. A recent educational campaign launched by the American Infertility Association and the American Society for Reproductive Medicine is directed at the daughters of this feminist generation; fertility specialists hope to combat the undue optimism of women in their twenties and thirties about their ability to have children as they get older.

As the controversy — and, in some quarters, consternation — that greeted Sylvia Ann Hewlett's recent book, *Creating a Life: Professional Women and the Quest for Children*, revealed, we are still uncomfortable, as a society, with airing too many of these facts about fertility. Hewlett, who gently rebukes women for assuming that the fertility industry could extend their reproductive lives long enough for them to make partner (and chastises the fertility industry for insinuating that it could), nevertheless is herself wary of trampling the principle of choice. Instead, in interviews with childless women that speak poignantly to the intractability of biology, Hewlett uncovers something called "creeping non-choice," a condition treatable, in her view, with a strong dose of government social policy and more "intentional" plotting by women of their reproductive futures.

What Hewlett and others overlook is a different and more disturbing facet of "choice," the one that inexorably pulls us toward making "intentional" decisions about the *kind* of children we have. The sentiment is already gaining the sanction of clinical practitioners. A recent study conducted by University of Massachusetts public health professor Dorothy Wertz and University of Virginia bioethicist John Fletcher revealed that 62 percent of American geneticists would agree to perform sex-selection tests on fetuses (or refer them to specialists who would) for parents who stated ahead of time their desire to have an abortion if the fetus was the "wrong" sex. In the early 1970s, a similar study found that only 1 percent of physicians and ethicists would do the same.

Feminist bioethics

If clinicians are less inclined to question the limits of individual choice in these matters, our self-appointed ethical guides in the field of bioethics should. In fact, the burgeoning field of bioethics now supports a subdiscipline in feminist bioethics, with its own organizations

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and methodological assumptions and with a keen interest in reproductive technologies. Unfortunately, feminist bioethicists remain wedded to a misguided view of science and medicine as inherently biased against women, and they pursue a feminist worldview that applauds "difference" but offers few limits on the excessive individualism that is the logical conclusion of their emphasis on choice in reproductive matters.

Although resting along various points of the ideological spectrum, feminist bioethicists share certain core principles — most important, a concern that human reproductive technologies are being developed in the context of a society that has not yet granted women full equality. The International Network on Feminist Approaches to Bioethics, a consortium launched in 1992, is "committed to a non-hierarchical model of organization" and takes as its goal the development of "a more inclusive theory of bioethics encompassing the standpoints and experiences of women and other marginalized social groups." The group's mission statement also includes a vow to deconstruct "presuppositions embedded in the dominant bioethical discourse that privilege those already empowered."

Feminist bioethicists hold a misguided view of science and medicine as inherently biased against women.

In this, feminist bioethics has its roots in broader feminist critiques of both science and ethics, two enterprises they view as inherently masculine and biased. Critics such as Lynda Birke of the University of Warwick and Sandra Harding of the University of California, Los Angeles, have argued for a "feminist science" that rejects objectivity in favor of intuition and seeks to supplant Francis Bacon's metaphor of Mother Nature as a "common harlot" meant to be tamed and molded by men with more inclusive practices. Their critique of science has trickled down into popular culture through narratives, such as Naomi Wolf's *Misconceptions,* that attack the male medical establishment for its treatment of pregnant women, and through manuals such as the popular alternative feminist health book, *Our Bodies, Ourselves*, which has been in print continuously since 1970.

The feminist critique of ethics is also intent on illuminating women's subordination. As feminist bioethicist Rosemarie Tong of the University of North Carolina notes, feminist ethicists "ask questions about male domination and female subordination *before* they ask questions about good and evil, care and justice, mothers and children." Moreover, women's subordination "leads to women's disempowerment morally and personally as well as politically, economically, and socially." This twin focus on women's disempowerment and the masculine bias of science serves an important exculpatory purpose — as ethical escape hatches — in the field of feminist bioethics.

The current reigning principle in bioethics is autonomy, which grants to

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individuals the freedom to choose for themselves what they want to do until they begin to infringe on the liberty of others or cause serious harm. Feminist bioethicists promote something different; they endorse the principle of "autokoenomy," from the Greek for self (*auto*) and community (*koinonia*). As Tong notes, "unlike the autonomous man who thinks that his self is entirely separable from others . . . the autokoenomous woman realizes that she is inextricably related to other selves." The implication is that autokoenomy fosters a humility that is otherwise lacking in strict autonomy, since it emphasizes a person's place in a particular community, or an "epistemology of perspective."

In practice, autokoenomy appears to foster confusion, not ethical guidance. As an ethical principle, it appears to allow nearly any ethical choice, including eugenic choices, as long as the choice is made in the service of gender equity. "It is to be hoped," Tong writes, "that women will choose the characteristics of their fetuses in ways that will break down gender inequity and the host of other human oppressions to which it is related. In choosing for their fetuses, women will be choosing for themselves." Laura Purdy, of the University of Toronto, is another feminist bioethicist who approves of genetic screening for the purpose of weeding out the unfit; she declares "unjustifiable" the "rejection of so-called quality control that uses genetic services to prevent the birth of babies at risk for serious physical or mental illness or disability." Since women are primary caregivers to children, Purdy reasons, their autonomous interests are infringed upon when those children are burdened by genetic conditions that require more devoted parental care. Purdy concludes that failing to prevent the birth of a child with serious defects is "immoral."

Purdy concludes that failing to prevent the birth of a child with serious defects is "immoral."

Autokoenomy can also begin to resemble a chilling utilitarian "community" of one. University of Chicago feminist bioethicist Mary Mahowald draws on the "ethics of care" and "maternal thinking" models of Carol Gilligan and Sara Ruddick to promote a "feminist standpoint theory" that parallels Rosemarie Tong's autokoenomy. Mahowald's feminist standpoint theory endorses women having babies for the explicit purpose of harvesting spare parts for themselves or loved ones. The ethic on which she relies would "support a decision to become pregnant in order to provide the [fetal] tissue to someone with whom one has a special relationship." Moreover, Mahowald says, "a pregnant woman might herself be the recipient and could deliberately become pregnant in order to provide the fetal tissue that might lead to her own cure." As Tong and Mahowald's reasoning reveals, autokoenomy has little to say about the excesses of individual choice.

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The technology of patriarchy?

At the other end of the spectrum are feminist bioethicists who do not so eagerly embrace reproductive and genetic technologies, although they do share with their autokoenomous sisters a devotion to feminist politics. As Tong says, "all feminist approaches to bioethics share a common methodology — namely, the methodology of feminist thought." But feminist principles make for an awkward fit in the field of bioethics, for in focusing so keenly on science's patriarchal bias, feminist critics of reproductive technologies miss the most serious challenges these new tools pose.

Australian feminist Robyn Rowland has been issuing warnings since the early 1980s about the dangers of male control of reproductive technologies. Men have "coveted" the power women have over reproduction, Rowland argues. "Now, with the possibilities offered by technology they are storming the last bastion and taking control of conception, fetal development, and birth." But this is only part of a larger control men exercise over women, according to Rowland's critique. "Being the dominant social group, men expect to control all social resources, including reproduction," Rowland argues. They "use the vehicles of science, medicine and commerce to establish control over procreation." Men, Rowland concludes, are making women into "patriarchy's living laboratories."

Another feminist critic of reproductive technologies, former *New York Times* reporter Gena Corea, assails as "propaganda" the notion that women should procreate. It is patriarchal society that pushes this pronatalism, Corea argues, and it "has a coercive power." "It conditions a woman's choices as well as her motivations to choose," she says, leaving her incapable of rendering an authentic ethical choice about her reproductive options. Janice Raymond, a feminist theorist who teaches at the University of Massachusetts, has argued that new reproductive technologies might be used by the patriarchal medical establishment as a tool for the "previctimization" of women, eliminating or fundamentally altering females before they are even born. "Technological reproduction is brutality with a therapeutic face," Raymond avers. In 1984, some of the more earnest skeptics of reproductive technologies organized FINRRAGE — Feminist International Network of Resistance to Reproductive and Genetic Engineering — a small group that hosts conferences to raise awareness of the dangers of these new interventions.

Genetic technologies are also viewed with suspicion by feminists who fear they will undermine feminism's valorization of "difference." Maura Ryan, a professor of Christian Ethics at Notre Dame University, has argued that genetic technologies are "at odds with a feminist view of community where all are welcome and persons are challenged to deal creatively with differ-

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ence." Yet arguments for difference can take unexpected twists, as they did recently when they were invoked by a deaf lesbian couple in Bethesda, Maryland, who used sperm donated by a fifth-generation deaf man to ensure that their son and daughter would be born profoundly deaf. Since the women view deafness not as a disability, but as a sign of membership in a specific cultural community, they wanted to guarantee that their children would be part of that community as well.

What these feminist skeptics of reproductive technologies share is an assumption, guided by feminist politics and feminist critiques of science, that women lack control over even the most rudimentary reproductive decisions. This leaves them unwilling to tackle thorny ethical practices, such as sex selection, that rest on women's own choices. Evidence from China and India indicates that women in those countries avidly rid themselves of female fetuses, usually by making use of ultrasound machines and abortion, creating a serious imbalance in male-to-female sex ratios in the process. In the United States, sex selection is gaining in popularity, with new techniques such as sperm sorting offered by many fertility clinics.

Evidence from China and India indicates that women avidly rid themselves of female fetuses.

Feminists have a stock answer when questioned about the use of sex selection in countries such as India and China: Blame the sin, not the sinner. Because these women are living in undemocratic, patriarchal societies, they are eligible for feminist bioethicists' ethical escape hatch. "The solution is not to take away abortion rights," a spokesperson for the group Population Action International stated, "but rather to elevate the status of women so that the economic and cultural incentives for sex-selection abortion are no longer there." This rationale is less compelling when applied closer to home, where feminist claims of patriarchal control do not ring true. Bioethicist Mary Mahowald suggests that "selection of either males or females is justifiable on medical grounds and morally defensible in other situations so long as the intention and the consequences are not sexist." But how does one judge whether consequences are sexist? In the United States, many women use sex selection to have girls. "Women are the driving force, and women want daughters," one fertility doctor told the *New York Times* in 1999.

Even mainstream feminist groups, such as the National Organization for Women, conveniently ignore incorrect expressions of choice. NOW has no official position on the use of sex-selective ultrasound and abortion or other sex-selection techniques, yet the group did endorse a resolution at its national conference last year calling for the protection of the rights of "intersex girls" (girls born with atypical sexual anatomy). The resolution, which called on parents to resist imposing hormone treatments and surgery on

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their daughters until the daughters themselves could choose whether or not they wanted to become fully female, was deemed part of the organization's "movement for reproductive freedom and bodily integrity."

Although feminist bioethicists have failed to come to terms with the impulse to control the quality of one's offspring, especially among women, it is not a new one. In Spartan society, women were responsible for bearing sons who would be formidable warriors and for rigorously weeding out those who would not, leaving them to die of exposure in the chasm called the *Apothetae*. In the mid-nineteenth-century utopian community of Oneida in upstate New York, it was women more than men who eagerly volunteered for leader John Humphrey Noyes's proto-eugenic experiments in breeding better children — an undertaking he likened to plant breeding and called "human stirpiculture." During the heyday of the American eugenics movement, as historian Wendy Kline has found, women's reform organizations were some of the most enthusiastic lobbyists for compulsory state sterilization laws meant to combat the menace of the so-called feebleminded. Women embraced an ideal of "scientific" and "responsible" motherhood that emphasized the quality of the children being born, and found in the eugenic impulse to "improve the human race through better breeding" a compelling justification for their efforts.

Women's reform organizations were some of the most enthusiastic lobbyists for compulsory sterilization laws.

The birth control movement of the early twentieth century offers perhaps the most extended case study of this impulse. In her 1920 polemic, "Woman and the New Race," birth control activist Margaret Sanger described how "millions of women are asserting their right to voluntary motherhood. They are determined to decide for themselves whether they shall become mothers, under what conditions, and when." But the logic of that assertion encompassed more than control of quantity. Like many of her peers, Sanger shared her culture's desire for eugenic "race improvement." Fearful that the vaunted American melting pot was no longer assimilating new waves of immigrants from southern and eastern Europe, Sanger argued that contraception could alleviate the burden of bad stock. "Birth control, often denounced as a violation of natural law," she wrote, "is nothing more or less than the facilitation of the process of weeding out the unfit, of preventing the birth of defectives, or of those who will become defectives." The "voluntary motherhood" Sanger pursued had as its goal the "creation of a new race" and drew upon the language of choice and the individual rights of women to achieve it.

Many of Sanger's more astute contemporaries understood the radical nature of the new ideal of motherhood she was promoting. In *A Preface to*

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Morals, Walter Lippmann urged society to consider the "full logic of birth control," which he saw as making parenthood a "separate vocation," detached from the "hard realities" and ambiguities of life and thus ultimately "efficient, responsible, and dull." Birth control is like the automobile, Lippmann argued, capable of hurtling us along at terrifying speeds to new and exciting destinations, but a device whose "inherent possibilities do not fix the best uses to be made of it."

Our reproductive future

TODAY OUR DEVICES are more numerous and powerful, but contemporary feminist bioethicists remain mired in the individualistic rhetoric of the previous era's technologies and politics. The end pursued by feminist bioethicists is an egalitarian feminist society, but they assume that this society would consist of feminist mothers choosing traits for their children that conform to "women's values." In this, feminist ethicists betray the fact that they have not strayed far from the utopian yearnings of their foremothers. Charlotte Perkins Gilman's 1915 feminist utopian novel *Herland* found perfection in a world where men did not exist and where parthenogenic births produced only girl children; contemporary fiction writer Marge Piercy's 1976 novel, *Woman on the Edge of Time,* offered a similar social vision. In Piercy's world, citizens of the utopian society of Mattapoisett decide that to end sexism, classism, and racism, reproduction must be removed from the control of one particular sex. "It was part of women's long revolution," one of Piercy's characters explains. "As long as we were biologically enchained, we'd never be equal. And males never would be humanized to be loving and tender. So we all became mothers. Every child has three. To break the nuclear bonding."

We are not all mothers yet, but if we continue along the path our feminist ethical guides have laid down, we run the risk of ending up in a consumer-driven eugenic society. With ever more sophisticated IVF techniques, genetic screening, and artificial wombs, the physiological process of pregnancy and childbirth could become just another commodified "life experience." Like climbing Mt. Everest or meditating on an ashram, seekers of the exotic could experience the "adventure" of childbirth the old-fashioned way, while some women would make use of artificial wombs to avoid the hassles of pregnancy.

Our new reproductive future also suggests a society where male responsibility and fatherhood take on a different form. Shotgun weddings and social stigmas that used to keep men close to their offspring have disappeared, but in an age where embryos are stored in fertility clinics like jewelry in safe deposit boxes, men have begun to claim paternal rights using the language of property. Popular culture has enlisted science to help them. Producers of daytime talk shows are leavening the sensationalism of their broadcasts with

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paternal "outings" using DNA tests; men who suppose themselves the father of a child are told, on-air in front of a studio audience and their wayward partners, that DNA tests have proven otherwise.

We are being eased into this bread-and-circuses world of reproduction by the very rhetoric that once promised to free women from the burdens of biology: the rhetoric of choice that feminists have long championed. Choice will allow us to begin crossing the line between genetic therapies and genetic enhancements — quietly at first, but eventually with ease. Genetic engineering could become just another reproductive right. But this normalization process comes with a cost that first-generation technologies such as IVF never posed: altering the human race and, in the process, fating for extinction biological motherhood as we have known it. With feminist principles guiding us and a public preternaturally optimistic about and desirous of new reproductive technologies, Pandora has met Dr. Pangloss. But all is *not* for the best in this best of all possible worlds.

One would hope that, having had glimpses of the logical conclusion of their principles, feminists would make a well-timed retreat from their glorification of choice in reproductive matters. Such a retreat is unlikely, however, for making it would require feminists finally to concede that there is no such thing as "women's values" or the sisterhood for which they have served as self-appointed spokeswomen. Such a retreat would force feminists to confront the fact that some women make ethically unsound choices not because they are victims of male domination, but because they lack ethical moorings, and it would require them to recognize that in a world of unfettered individualism, women's choices will not lead to a feminist vision of women's liberation.

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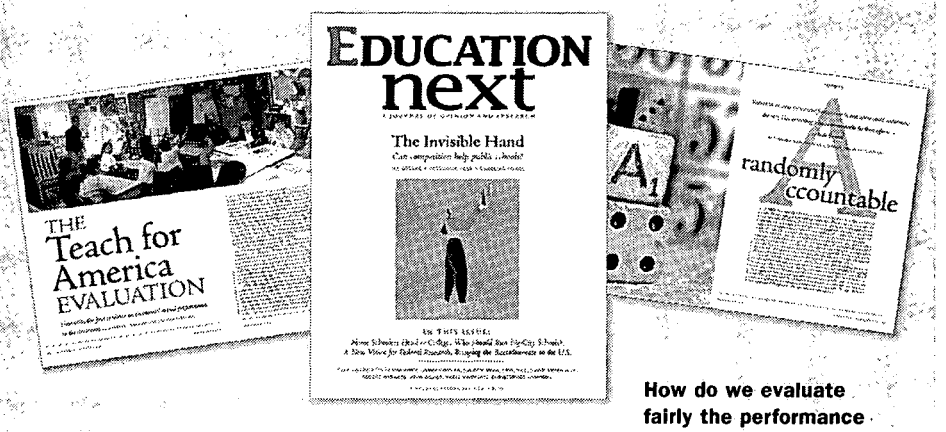

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Nuclear Deterrence, Then and Now

By DANIEL GOURÉ

THE COLD WAR CONSENSUS on the role of nuclear arms in American national security has dissolved, a casualty of the demise of the Warsaw Pact and the Soviet empire itself. In place of a threat posed by an adversary commanding superior conventional forces, the United States now faces the prospect of multiple potential opponents with variable motives, shifting sources of conflict, and evolving alliance relationships.

In this environment, even assuming sharply lower levels of nuclear warheads, the U.S. needs a more flexible nuclear doctrine, based on approaches that simultaneously assure friends of a steadfast U.S security commitment, prevent prospective enemies from pursuing weapons of mass destruction, deter direct threats against America's interests and allies, and promise the defeat of any attack. These new realities dictate a more nuanced role for nuclear weapons, both in terms of the capabilities we pursue and the scenar-

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Daniel Gouré is vice president of the Lexington Institute, a Washington-area defense policy research institution.

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ios governing their use, even as we retain an unmistakably robust, diversified, balanced, and flexible nuclear force structure.

The end of Cold War deterrence

For more than 40 years, the U.S. defense community held a shared view regarding the purposes for which this country maintained strategic nuclear forces. The overriding purpose of the forces was to deter war between the United States and the Soviet Union. This had to be accomplished in the face of an overwhelming Soviet conventional capability and under conditions dictated by the presence of vulnerable allies close to Soviet territory. As a result, U.S. forces had to be positioned forward to defend those allies, a situation that made them vulnerable to a Soviet offensive. Because it was difficult to have confidence in Western conventional defenses, it was necessary to threaten the Soviet Union with the possible use by the United States (and later by Great Britain and France) of nuclear weapons, including escalation up to a massive strike on the Soviet homeland.

American nuclear forces needed to be of sufficient size and robust character such as to impose on the Soviet leadership the unassailable fact that no conflict with the United States could end with anything less than unacceptable damage to the Soviet Union. Once the Soviet Union acquired nuclear weapons, it was also necessary to convince Moscow that it could not hope to gain an advantage by their use. American retaliation had to be assured, even in the face of a "bolt-out-of-the blue" attack by the Soviet Union. For this reason the United States invested in the now familiar triad of strategic bombers, intercontinental ballistic missiles, and submarine-launched ballistic missiles, along with the early warning and command, control, and communications (C3) that guarded against surprise attack. In addition, the United States developed and deployed an array of tactical and theater nuclear weapons. The purpose of these was to ensure that at any point in the conflict, the United States had a credible escalatory option.

Over the past decade, the strategic rationale that guided the development of U.S. nuclear forces throughout the Cold War has been slowly eroding. The collapse of the Warsaw Pact and the demise of the Soviet Union ended the conventional threat to America's European and Asian allies. No longer did the United States need a stout ladder of escalation based on directly linking conventional defenses to the massive U.S. strategic nuclear capability. Without the threat of conventional conflict and first-use of nuclear weapons by the United States to avoid a conventional defeat, there was also a reduced concern regarding the possibility of a Soviet preemptive strike against the U.S. homeland.

As a result, it was possible for the United States to consider altering the size and posture of American nuclear forces. The first Bush administration

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began the process — in cooperation with President Boris Yeltsin's regime in Russia — by detargeting U.S. ballistic missiles, removing nuclear weapons from strategic bombers, withdrawing almost all tactical nuclear weapons from forward positions, and agreeing to the START II treaty that promised to reduce the number of available nuclear weapons in the force to 3,500. The Clinton administration pursued implementation of these decisions as well as a variety of so-called threat reduction measures designed primarily to reduce risks associated with the arsenal of the former Soviet Union.

Yet the Bush and Clinton administrations were reluctant to seriously challenge the nuclear doctrines of the Cold War. Both were concerned that Russia's political transformation might not succeed, resulting in the emergence of a hostile and revanchist power. In its 1994 Nuclear Posture Review and a 1997 Presidential Decision Directive, the Clinton administration maintained a classic view of the role of nuclear weapons as a means of deterring war. To that end, the United States still was required to maintain a relatively large strategic nuclear force capable of holding at risk a wide range of strategic targets and ultimately of inflicting unacceptable damage on an opponent.[1] It was this view of the nature of nuclear deterrence that also led the Clinton administration repeatedly to defend the Anti-Ballistic Missile (ABM) Treaty as the "cornerstone of stability."

George W. Bush came to office determined to recast U.S. defense policy in light of the realities of a new international security environment. In particular, the Bush administration argued that the threats of the twenty-first century were fundamentally different from those the United States had confronted in the past. The 2001 Quadrennial Defense Review contained a stark warning about the threats of the future:

> Although U.S. military forces enjoy superiority in many dimensions of armed conflict, the United States is likely to be challenged by adversaries who possess a wide range of capabilities, including asymmetric approaches to warfare, particularly weapons of mass destruction. The United States cannot predict with a high degree of confidence the identity of the countries or actors that may threaten its interests and security.

The Bush administration's response to this threat assessment was to propose the transformation of the U.S. military. Although the principal focus of transformation efforts was on conventional forces, the administration was also intent on altering the doctrine and character for strategic forces.

Two events, occurring nearly simultaneously, signaled a doctrinal revolution with respect to American strategic nuclear forces. The first was the decision by the Bush administration on December 14, 2001 to withdraw from

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[1]On the views of the Clinton administration, see Keith Payne, "Post-Cold War Requirements for U.S. Nuclear Deterrence Policy," *Comparative Strategy* (1998), 250-254.

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the ABM Treaty. By so doing, the administration rejected perhaps the most central premise of Cold War nuclear doctrine: that deterrence is best achieved by the ability of U.S. forces to threaten unacceptable damage. In making his announcement, President Bush declared:

> The 1972 ABM Treaty was signed by the United States and the Soviet Union in a much different time, in a vastly different world. One of the signatories, the Soviet Union, no longer exists and neither does the hostility that once led both our countries to keep thousands of nuclear weapons on hair-trigger alert, pointed at each other. Today, as the events of September 11 made all too clear, the greatest threats to both our countries come not from each other, or from other big powers in the world, but from terrorists who strike without warning or rogue states who seek weapons of mass destruction.

The second event was the publication of the Bush administration's Nuclear Posture Review (NPR) on January 9, 2002. The NPR began by acknowledging that the central strategic reality of the Cold War, the East-West conflict, had been replaced by uncertainty. The United States faced the prospect of multiple potential opponents with differing or uncertain motives, new sources and loci of conflict, and shifting alliance relationships. As a result, the ability of existing U.S. strategic forces to deter potential aggressors — deterrence defined as the ability to inflict damage on an opponent in a retaliatory strike — could not be assured. A more flexible doctrine was needed, one based on capabilities and approaches that simultaneously assured friends and allies of the U.S commitment to their security, dissuaded prospective proliferators from pursuing weapons of mass destruction (WMD), deterred direct threats against the U.S., its interests, and its allies, and promised the defeat of any attack.

The desired force structure to meet these new requirements would be based on a spectrum of capabilities rather than focusing on a single threat and able to respond to a wide range of contingencies. As Denis Bovin, vice chairman of Bear Stearns and a well-known Wall Street defense sector expert, observed, "What was striking about the NPR was its call for a new strategic triad based on non-nuclear strike forces, strategic defenses, and strategic nuclear forces." This new triad presented the potential of meeting doctrinal requirements in fundamentally new ways. Defenses were one way to address emerging threats and deterrence uncertainties. Another way was to exploit advances in intelligence, surveillance, and reconnaissance (ISR) and precision targeting to employ conventional weapons in lieu of nuclear weapons. According to Assistant Secretary of Defense J.D. Crouch:

> The non-nuclear strike forces, we believe, have the potential, if fully exploited, fully developed, to reduce our dependence on nuclear forces for the offensive strike leg of the force. And even defenses give us some options that allow us to do the same.

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Nevertheless, the NPR confirms that strategic nuclear forces will remain a central element of the new strategic doctrine. Indeed, the NPR made it clear that the role of strategic nuclear forces in the new doctrine would be more nuanced than had been the case over the past decade. The new, smaller strategic nuclear force posture would be structured to address a wide range of immediate and potential contingencies. Adaptive planning would supplement or even replace the traditional Single Integrated Operational Plan (SIOP) with its emphasis on pre-planned, relatively inflexible, and often massive strike packages. In addition, the NPR spoke of exploiting synergy between the elements of the new triad.

The NPR's findings and recommendations were generally accepted without much criticism. The only seemingly controversial aspects of the NPR were the set of contingencies for nuclear planning and the recommendation that the United States begin development of new types of nuclear weapons. As reported by the *Los Angeles Times* (March 9, 2002), the classified version of the NPR identified a set of possible contingencies, including an Arab-Israeli conflict or a threat from seven so-called rogue states. Even here, knowledgeable observers were quick to point out that the NPR's recommendations were a logical extension of the post-September NPR security environment and made sense in terms of the new threats confronting the United States.[2]

The military has been ordered to develop contingency plans to strike rogue states.

The NPR's strong commitment to a large and flexible strategic nuclear capability must be welcomed by all those concerned about the broad range of potential threats that face the United States in the new century. Nevertheless, the NPR failed to explicitly define the purposes of those strategic nuclear forces. It speaks only of immediate, unexpected, and potential contingencies. Such contingencies could include "surprise military developments." These formulations are insufficient as the basis for sustained support of nuclear forces and their supporting infrastructure. There is no context on which to draw in order to understand reports that the military has been ordered to develop contingency plans to strike rogue states or to employ small nuclear weapons in limited numbers as so-called "bunker busters."

The traditional political consensus on the role of strategic nuclear weapons in U.S. defense policy is gone. During the Cold War it was generally agreed that for deterrence to be effective the threat to use nuclear weapons had to be credible — in other words, it had to make sense militari-

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[2]Loren Thompson, "How to Stop Worrying and Love the Bomb, *Wall Street Journal* (March 17, 2002).

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ly. There are many who now argue that nuclear weapons have no military purpose. There also is a strong abolitionist streak in the current debate on American defense policy. Denuclearization would undoubtedly prove much more difficult to achieve than its advocates suggest. It would certainly be very unwise. However, those who continue to see a need for strategic nuclear weapons in a twenty-first century U.S. defense policy have yet to make a convincing case. They have yet to argue a theory of deterrence for the new century.

A new rationale

THE NEW STRATEGIC circumstances confronting the United States today are markedly different from those that obtained during the Cold War. At that time, the United States was the status quo power, defending a global alliance against the threat of all-out war. Western conventional inferiority demanded reliance on nuclear weapons. The stakes were absolute and reliance on the threat of massive nuclear retaliation to deter Soviet aggression was a necessary and appropriate defense strategy. Now, albeit reluctantly, the United States finds itself in the role of sole superpower, engaged throughout the world. It has repeatedly intervened in local and regional conflicts in which it has only limited stakes. In so doing, moreover, the United States has been able to exploit its significant and growing conventional superiority over potential adversaries. The lesson for potential adversaries of the Gulf War, Bosnia, Kosovo, and, most recently, Afghanistan is that they cannot hope to stand against the United States on a modern conventional battlefield.

It is the impossibility of countering U.S. conventional power that has sent potential adversaries scurrying in search of so-called asymmetric means of warfare. Chief among these are WMD, possibly combined with a method of long-range delivery. Such weapons could be quite primitive, for their primary purpose is not to achieve results on the battlefield but to deter or complicate any potential U.S. military action against the state deploying such means. The potential adversary need only threaten to raise the stakes for the United States in circumstances where vital interests may not be involved. As Robert Walpole, national intelligence officer for strategic and nuclear programs, told the Senate Foreign Relations Committee (September 16, 1999):

> Acquiring long-range ballistic missiles armed with a weapon of mass destruction will enable weaker countries to do three things that they might otherwise not be able to do: deter, constrain, and harm the United States. To achieve these objectives, the missiles need not be deployed in large numbers; with even a few weapons, these countries would judge that they had the capability to threaten at least politically significant damage to the United States or its allies. They need not be highly accu-

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> rate; the ability to target a large urban area is sufficient. They need not be highly reliable, because their strategic value is derived primarily from the implicit or explicit threat of their use, not the near certain outcome of such use.

Although the United States currently enjoys unquestioned conventional superiority over any potential adversary, it cannot count on that superiority alone to deter possible aggressors. Moreover, it must reckon with the efforts of a number of so-called rogue states and even terrorist groups who intend to acquire WMD precisely to counter U.S. conventional superiority. Such weapons could be delivered against U.S. forces or even the homeland by a variety of means, including covert. The ability to deter covert or terrorist employment of WMD will clearly depend on the ability both to identify the source of the attack and to respond appropriately. In some instances this could mean a nuclear response, in others the use of defenses, conventional strike systems, Special Forces, or even the CIA. At all costs, the United States must avoid being self-deterred — that is, unwilling to project military power as necessary in pursuit of its national interests — by the asymmetric threat of weapons of mass destruction in the hands of a lesser power.[3]

In addition to the threat from so-called rogue states, the United States must also guard against the possibility, however slight, that it might find itself in a military confrontation with either Russia or China. Russia has sought to offset its conventional military weakness by relying more heavily on nuclear weapons. Moscow has renounced the no-first-use pledge made by the Soviet leadership and has focused in its new military doctrine on the use of limited nuclear options as a means of controlling or deescalating a regional conventional conflict.[4] Chinese military writings suggest similar scenarios in which nuclear weapons are employed in local conflicts by the weaker side to counter the opponent's conventional superiority. The threat of direct attacks on the opponent's homeland is meant to "cap" the conflict.[5]

Although it did not — indeed, could not — say so, the NPR lays out the framework for a defense policy and nuclear strategy designed both to shape the future strategic environment in ways congenial to the preferred U.S.

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[3]On this problem, see the Center for Counterproliferation Research's *U.S. Nuclear Policy in the Twenty-First Century: A Fresh Look at National Strategy and Requirements* (Lawrence Livermore National Laboratory, July 1998), 14-15.

[4]Stephen A. Blank, "Undeterred: The Return of Nuclear War," *Georgetown Journal of International Affairs* (Summer/Fall 2000).

[5]Major-General Wu Jianguo, "Nuclear Shadow on High-Tech Warfare," in Michael Pillsbury, ed., *Chinese Views of Future Warfare* (Institute for National Strategic Studies, National Defense University, 1999).

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strategic approach to employing military power, and to ensure U.S. strategic advantage in the event of war. Its unparalleled conventional capability allows the United States to prosecute a strategic campaign without resort to nuclear weapons. Nonnuclear strike forces are capable not only of dominating the conventional battlefield but of holding at risk a broad range of strategic targets. This alone may be sufficient to deter the use of WMD. But if not, the combination of strategic defenses and nonnuclear strike capabilities can deny an adversary any credible escalatory options. Even limited defenses, both missile and air defenses, can defeat an aggressor's "cheap shot." If strategic or theater defenses are successful at defeating an adversary's use of WMD, the United States could potentially rely solely on conventional forces to achieve its war aims.

The United States will be required to maintain a strategic nuclear posture to deter Russia.

What then are the roles of strategic nuclear forces in supporting a defense strategy intended to solidify nascent U.S. strategic advantage? The first role is to maximize the strategic space available to the United States in exploiting its conventional military advantage for the purposes of dissuasion, deterrence, or the defeat of aggression. Simply put, this means maintaining a strategic nuclear force of sufficient size, flexibility, and responsiveness so that any opponent, regardless of the size or character of his WMD arsenal, will be deterred from attempting to use such weapons to counter the U.S. conventional advantages. This includes having credible limited nuclear strike options that can reasonably be expected to deter the use of WMD by an opponent facing conventional defeat.[6] It also means developing the intelligence capabilities to support retaliation in the event of the covert use of WMD by such a state. It is noteworthy in this context that the United States recently announced that it was dropping its 1978 pledge not to use nuclear weapons against nonnuclear states.

American strategic nuclear forces serve in a number of other roles. A second role is to hold at risk those targets that are most highly prized by a potential adversary but that are not accessible by conventional means. A third role is to neutralize a proliferator's WMD. A final role, in combination with strategic defenses and nonnuclear strike capabilities, is to dissuade potential adversaries from pursuing WMD options or, in the cases of Russia and China, from using their strategic forces as a means of escalation control. So long as Russia's conventional defense capability remains weak, and the country maintains a large strategic nuclear arsenal, the United States will be

[6]It should be remembered that Iraq used chemical weapons extensively during its war with Iran to defeat that country's conventional forces.

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required to maintain a strategic nuclear posture sufficient to deter any resort to nuclear weapons by Russia.

U.S. strategic nuclear forces also provide reassurance to America's friends and allies. Extended deterrence may be even more important today, in an era marked by the proliferation of WMD and long-range strike systems, than it was during the Cold War. Unless the United States maintains its extended deterrence for our allies, they could be tempted to pursue their own WMD capabilities as a means of deterring regional threats. In addition, the United States is increasingly dependent on foreign bases to support its strategy of conventional power projection. Such bases may become targets for an adversary's WMD attacks. High-confidence assurance to allies and coalition partners confronted by WMD threats will almost assuredly require the extension to them of nuclear guarantees.

The principal strategic problem likely to confront the United States for the next several decades is deterring or defeating local aggression, including the possible limited use of WMD. This requires retaliatory threats appropriate to these reduced circumstances. The traditional threat of massive retaliation is increasingly implausible as a response to even limited use of WMD against the U.S. homeland. Yet, it is not clear that the threat of a proportional response would be sufficient to deter some adversaries. A recent study of the rationale and requirements for U.S. nuclear forces noted that the dynamic international environment makes it difficult to arrive at a force-sizing criterion adequate for the broad range of potential situations in which nuclear weapons might be relevant:

> [T]he types of U.S. threats and underlying capabilities that may be necessary over the next twenty-five years will be as varied as the challenges and contexts likely to confront Washington. Some foes in the future may be deterred by threats to their counter-value targets, requiring few if any U.S. nuclear weapons. Other foes, highly motivated and notably cost and risk tolerant, may be deterred only by severe threats to many types of targets, requiring significant U.S. nuclear capabilities.[7]

Regardless of where on the threat spectrum future foes may lie, it is almost inconceivable that the United States will be required to execute the kind of assured destruction strike that was the basis of the Cold War deterrent. Indeed, such a threat appears less and less credible as the Cold War recedes into memory. Instead, deterrence of regional adversaries and nuclear powers alike is likely to be sustainable to the extent the promised response to aggression is both proportionate and tailored. Should deterrence fail, in most instances the United States will have an interest in containing the conflict. This means the selective rather than massive use of nuclear weapons.

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[7]National Institute for Public Policy, *Rationale and Requirements for U.S. Nuclear Forces and Arms Control, Volume I: Executive Report* (January 2001), 12.

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As one longtime nuclear strategist observed, "Nuclear doctrine cannot lock a president into any unalterable course or give him only unacceptable options."[8]

Finally, strategic nuclear forces can serve as a powerful hedge against surprise. Conventional deterrence has a history of failing, particularly in circumstances in which the aggressor doubts the resolve of his adversaries. A robust and flexible U.S. strategic nuclear posture can dramatically alter a potential aggressor's cost-benefit calculus. This is particularly true insofar as U.S. strategic nuclear forces have the kinds of characteristics that make the threat of use credible, even in limited conflicts.

A force posture for the future

The United States has reduced its nuclear arsenal by more than half — from some 27,000 weapons in the stockpile at the height of the Cold War. The number of weapons actually deployed on launchers has declined even more and will be further reduced to between 1,700 and 2,200 by 2012. To a large degree these changes reflect the reality of the post-Cold War era. The number of strategic targets that needed to be held at risk has fallen sharply as, first, the Warsaw Pact and, second, the Soviet Union collapsed. The subsequent decline of the Russian military further shrank the prospective strategic target list, as did the abandonment by the Russian military of the Soviet-era doctrine of seeking to fight and win a major nuclear war.

At the same time, the range of contingencies that U.S. strategic nuclear forces may have to address has, if anything, expanded. As a result, it has become more difficult to define an appropriate force structure and associated force posture for the remaining strategic nuclear forces.

The basic design characteristics central to the development of Cold War strategic nuclear forces appear germane today. First, the forces must be safe and secure. Second, they must be responsive to political control. This feature takes on even greater importance in light of the uncertainties regarding when and how the United States might become involved in a nuclear crisis. Third, the forces must be effective against any and all potential targets, allowing the United States to strike when, where, and how it sees fit to defend vital interests. Finally, as the Center for Counterproliferation Research study notes, both the forces themselves and their associated command and control must be survivable, denying the potential attacker any hope of limiting damage to himself by means of a preemptive attack.

Even at the reduced numbers proposed by President Bush, the United States would be well advised to maintain the existing triad of strategic

[8]Frank Miller, "Future Nuclear Doctrine," in Hans Binnendijk and James Goodby, eds. *Transforming Nuclear Deterrence* (National Defense University Press, 1997), 43.

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bombers, intercontinental ballistic missiles (ICBMs), and submarine-launched ballistic missiles (SLBMs). As the National Institute for Public Policy study notes, a force structure based on a variety of platforms insures against sudden changes in the threat that might make one leg of the triad vulnerable. It also provides for flexibility and responsiveness, critical characteristics in a force that must deal with uncertainty and even surprise.

Each leg of the triad continues to provide important contributions to the overall ability of U.S. strategic nuclear forces to dissuade, deter, and, if necessary, defeat any potential adversary. SLBMs remain the most survivable part of the triad. They pose the ultimate deterrent in the event that an adversary with a large nuclear arsenal would attempt to destroy the United States. Their deployment on a relatively small number of ballistic missile submarines makes them less responsive and flexible than are the other legs of the triad.

Strategic bombers, although no longer maintained as an active element of the triad, should be retained primarily as a hedge both against the failure of one of the other two legs and in the event that potential adversaries are able to deploy highly effective missile defenses. The Bush administration has announced its decision to make the B-1 a conventional-only bomber. This would leave fewer than 100 B-2 and B-52 bombers that could be pressed into service as nuclear delivery systems should the need arise.

At the proposed lower numbers, ICBMs may come to play an even more crucial role in the future than they did during the Cold War. They possess features that make them particularly well suited to the challenges posed by an uncertain future. They are the leg of the triad that can most readily respond to the new demands for adaptive nuclear targeting. Admiral Richard Mies, commander-in-chief of Strategic Command (STRATCOM), described the reasons why ICBMs remain so important in U.S. strategic nuclear plans thus:

> Intercontinental ballistic missiles continue to provide a reliable, low cost, prompt response capability with a high readiness rate. They also promote stability by ensuring that a potential adversary takes their geographically dispersed capabilities into account if contemplating a disarming first strike. Without a capable ICBM force, the prospect of destroying a significant percentage of America's strategic infrastructure with a handful of weapons might be tempting to a potential aggressor in a crisis.[9]

A robust and capable ICBM force can also contribute in new ways to stability. Large, MIRVed ICBMs were once considered to be destabilizing because they held out the possibility that an attacker could destroy a large number of opposing strategic nuclear forces, including ICBMs, with the

[9]"The Changing World of Nuclear Deterrence," *Air Force Magazine* (September 2001).

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expenditure of only a small fraction of his own force. In a world in which MIRVed ICBMs are banned, an attacker will need to expend more of his weapons than he can hope to destroy on the defending side. Moreover, the sheer magnitude of such an attack would make a major retaliatory strike all but inevitable. For these reasons, as the Center for Counterproliferation Research study argues, it makes sense to preserve most, if not all, the present force of some 500 ICBMs.

The ICBM force is also the leg of the triad best suited to respond to any potential contingencies, the term used by the NPR to signify a renewed nuclear arms race. Should the need arise, the ICBMs could be uploaded with two additional warheads apiece. This would allow the U.S. strategic nuclear force to expand by up to 1,000 warheads, assuming the current complement of 500 Minuteman IIIs is maintained. Also, the ICBM would be the delivery system of choice for new types of warheads such as an earth-penetrator with which to hold at risk deeply buried or hardened structures.[10]

In light of the range of strategic contingencies that could confront the United States, it seems only prudent to maintain a strategic nuclear force posture that is highly ready, flexible, and large. The size of the American strategic arsenal may be an important contributing factor to both dissuasion and deterrence. A large force structure could dissuade any would-be competitor, most particularly China, from attempting to achieve strategic parity with the United States. Such a force structure, particularly deployed in multiple basing modes, will serve to complicate any would-be attackers' strike planning. In the event of a nuclear conflict, a large arsenal can ensure that no potential adversary would see any advantage from attacking the United States in the aftermath of a U.S. nuclear strike.

Still a heavily armed world

As THE EVENTS of September 11 clearly demonstrate, despite the end of the Cold War the world remains a dangerous place. While the threat of a massive nuclear attack on the United States has receded into the dim recesses of probability, this does not mean that the homeland is safe. The end of the Cold War brought with it a new set of threats, not well defined or understood. While U.S. military power is unequalled in the world, new threats are arising that may not be deterrable by traditional measures.

In some ways, the threat of aggression has increased over the past decade. As Robert Walpole noted, "the probability that a missile with a weapon of mass destruction will be used against U.S. forces or interests is higher today

[10]Walter Pincus, "Nuclear Plans Go Beyond Cuts," *Washington Post* (February 19, 2002), A26.

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than during most of the Cold War." A recent intelligence community assessment of future ballistic missile threats warned that in the next 15 years "the United States will most likely face ICBM threats from North Korea and Iran, and possibly Iraq."[11]

In preparing to confront these and other twenty-first century threats, the United States will need a full range of military capabilities, including strategic nuclear forces. Although the size of the nuclear arsenal continues to decline, nuclear weapons may actually become more important to American security. Some potential adversaries are unlikely to be deterred by the threat of conventional retaliation alone. They and others may seek to acquire weapons of mass destruction in order to counter U.S. conventional superiority. While strategic defenses and nonnuclear strike capabilities can contribute to deterrence and broaden the range of options available to U.S. leaders in defeating WMD-armed adversaries, these capabilities cannot fully substitute for credible strategic nuclear forces.

The United States must have a strategic nuclear force posture that is large (relative to the size of the anticipated arsenals of other states), responsive, flexible, and credible. To that end, the United States needs to maintain the existing triad of strategic bombers, ICBMs, and SLBMs. Each leg of the triad provides unique attributes that support overall force utility. STRATCOM must have the intelligence and adaptive planning capabilities to permit the development of a wide range of employment options, including for the highly selective use of new types of nuclear weapons. Finally, the nuclear infrastructure must be sufficient to ensure not only the safety and surety of remaining nuclear weapons but to assure the long-term viability of U.S. strategic nuclear forces.

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[11]National Intelligence Council, *Foreign Missile Developments and the Ballistic Missile Threat Through 2015* (Central Intelligence Agency, December 2001), 5.

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Gibraltar On the Rocks

The American stake in a sovereignty dispute

By THOMAS D. GRANT

PROTESTS, JEERS, AND CURSES greeted British Foreign Secretary Jack Straw on a May 3, 2002 visit to Gibraltar. In view of Britain's role as administering power and de facto protector of the small but strategic Mediterranean territory — and in view of the overwhelming pro-British sentiment of the local government and inhabitants — such tumult seized media attention in Europe. It hardly garnered a column-inch, however, in America. One of the last remnants of the far-flung British Empire, Gibraltar and its fate nonetheless possess considerable significance for the United States. How Prime

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Thomas D. Grant is a research fellow at Wolfson College, Cambridge University, and an associate of the Lauterpacht Research Centre for International Law. *The author thanks Lord Nicholas Bethell, MEP, for helpful comments on an earlier draft of this article.*

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Minister Tony Blair and his Labour cabinet are addressing Gibraltar should therefore receive attention within the Beltway appropriate to the ranking foreign and security policy issues of the day.

The Gibraltar problem

Quintessential symbol of tenacity and independence, the Rock — the moniker derives from Gibraltar's unmistakable geological profile — belonged to Spain from the *Reconquista* through the War of the Spanish Succession. Britain in 1704 conquered the territory, guardian of the straits that link the Atlantic to the Mediterranean, and Spain confirmed the shift of fortune with a treaty signed at Utrecht in 1713, granting Britain sovereignty in perpetuity. Over time, Gibraltar would serve the British as an indispensable naval (later, air) base, and its population, a mix of peoples from the British Isles and Mediterranean — including Sephardic Jews expelled from Morocco — took on a distinctive character. English-speaking and governed by quintessentially British institutions, the Gibraltarians now thrive as a civilian economy centered around shipping and financial services.[1]

Regrettably, however, their territory has become an object of European horse-trading. Talks over its future have stopped and started in halting fashion for decades but received new impetus this year from a desire at 10 Downing Street to cut a deal with Spain. Tony Blair apparently believes that handing over the territory to Spain — and thus placating a nationalist hue and cry among certain constituents there — could purchase an alliance with Madrid, in turn useful perhaps in the internal struggles of the European Union. The problem confronting the prime minister in his hoped-for exercise in Brussels realpolitik lies in the Gibraltarians themselves. They have made plain their devotion to sovereignty through referenda, protests, and government policy — and just as plain that they want nothing to do with Spain.

The Treaty of Utrecht is an instrument on which, ironically enough, Spain in some part bases its claim to Gibraltar. Though the treaty ceded Gibraltar to Britain in perpetuity, its tenth article provided that, in the event that Britain relinquished Gibraltar, Spain would have the right to reclaim possession. On a number of occasions, Spain attempted to take Gibraltar back by force, carrying out a siege from 1779 to 1793. All Spanish exertions in that direction failed, as Gibraltar developed its reputation as the British Empire's impregnable redoubt. Yet Spain continued to pursue what grew into a national ambition to retrieve the lost territory, albeit more recently by diplo-

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[1]For an overview of the history of the territory, see Nicholas Bethell, *The Rock On Which We Stand* (London: Conservatives in the European Parliament, 2000). Lord Bethell is one of six MEPs nominated in 1980 to represent Gibraltar interests in the European Parliament.

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matic means and sanctions rather than military aggression.

Resolution 2429, adopted by the United Nations General Assembly in 1968, determined that the United Kingdom should relinquish sovereignty over Gibraltar and allow Article X of the Treaty of Utrecht to effect retrocession to Spain. The United Kingdom expressed the view that Resolution 2429 violates Article 73 of the United Nations Charter, which provides for the primacy of the wishes of the inhabitants of a non-self-governing territory in determining the disposition of the territory. A referendum in September 1967, in which over 95 percent of the electorate voted, showed 44 Gibraltarians preferring incorporation into Spain and 12,138 favoring continued association with Britain.

The 1969 constitution of Gibraltar reaffirms the Gibraltarians' right to self-government and institutionalizes it. Under the constitution, a 15-member House of Assembly is elected by universal adult suffrage and possesses budgetary and other authorities. The party commanding a majority of the assembly's members heads the territory government. Peter Caruana has held the post of chief minister since 1996. Joseph Bossano, chief minister from 1988 to 1996, leads the opposition. The constitution provides that "Her Majesty's Government will never enter into arrangements under which the people of Gibraltar would pass under the sovereignty of another state against their freely and democratically expressed wishes."

The 1969 constitution of Gibraltar reaffirms the Gibraltarians' right to self-government.

Spain has rejected the 1969 constitution as inconsistent with the right of a state to preserve its territorial integrity. Madrid also views the 1967 referendum as an illicit attempt to alienate Gibraltar from Spain and thus as an exercise devoid of legal consequence.

From 1964 to 1985, Spain enacted a number of restrictions apparently intended to inconvenience and isolate the Gibraltarians. Delays in the border crossing between Gibraltar and Spain began in 1964, and in October 1966, Spain closed the frontier to vehicular traffic altogether. After May 1968, pedestrians could cross only with special permission from Spanish military authorities. Shortly after publication of the new constitution, Spain closed the border completely and suspended ferry service from the nearby Spanish town of Algeciras. In consequence of these measures, Spanish laborers withdrew from Gibraltar, eventually to be replaced by Moroccans. Food, water, and building materials no longer were imported from Spain. Telephone and postal links were severed.

Spanish accession to the European Community eased the restrictions against Gibraltar. With Britain's own accession in January 1973, Gibraltar became part of the community under Article 227(4) of the Treaty of Rome (article 229(4) in the revised numbering), which provides that any territory

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the external affairs of which are the responsibility of a member state belongs to the community. The 1984 Brussels Agreement between Spain and the United Kingdom provided that Spain would lift the blockade against Gibraltar — a concession that the United Kingdom required in order to permit Spain to accede to the community. On February 5, 1985, Spain lifted most of the restrictions on land crossings. At present, the ban on air and maritime links remains. Spain also imposes a limit on the number of telephone lines available in Gibraltar, a further, if circumscribed, extension of the 1960s policy of isolating the territory. The Gibraltarians nearly unanimously continue to hold that these measures violate their right to self-governance and that they will not countenance incorporation into Spain.

The American interest in what well might seem an obscure colonial controversy in Europe goes well beyond principles of self-determination, however high those, too, rank in American foreign policy. A host of diverse but interrelated questions arise from the Gibraltar question. They span an extraordinary breadth, from strategic air and sea space and free markets to the future of Taiwan, the legal status of slavery reparations claims, and even national missile defense. Addressing Gibraltar without the requisite perspicacity will erode the interests of the United States — both through precedent-setting of an indirect but dangerous nature and through concrete shifts in strategic politics against manifest military and economic needs.

Defense, security, and access

America late in the evening of April 14 and early in the morning of April 15, 1986 carried an earlier war against terrorism to Libya. Though carrier-based forces in the Mediterranean played a role, military planners knew that to bring effective force to bear they would have to recruit land-based aircraft from Britain. The most direct routes from Britain to the target traversed French airspace, but France refused to allow overflight — a policy decision much noted by Americans at the time. Less noted was Spain's simultaneous refusal of overflight of *its* territory — thus barring the best routes left after France balked.

The refusal of overflight by Spain came as little surprise to those familiar with the country — which, after all, persistently had experienced (and still experiences) periodic outbreaks of anti-American sentiment, much more in the Mediterranean than the transatlantic mode. To be sure, in Prime Minister José María Aznar the United States has found a stalwart friend. Aznar's aid in the war against terrorism stands out in a hesitant Europe. But coalitions come and go, so when assessing longer-term risk it is important to consider the underlying political strata on which Spanish governments rest. Spain, though in broad outline a friend, contains sufficient political complexities to raise questions about the wisdom of letting indispensable air and sea-lanes and the rock astride them go to Spanish jurisdiction. Spain did not

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lend a helping hand at an important juncture before, and the prevailing political culture there would counsel prudence about its future conduct.

Britain in 1986, of course, granted use of U.S. bases in its territory — and extended overflight rights to U.S. aircraft over Gibraltar. Circumventing uncooperative France and Spain, the planes reached their North African targets. Without Gibraltarian access, to be sure, the logistics of that crucial demonstration of resolve would not necessarily have been impossible. The legal status of the Gibraltar Straits as an international waterway may well have saved the day. But enforcement of international law has proved a fraught exercise more than once in the past, and American strategists are rightly loath to count on uncertain "allies" to enforce rights at law, however widely recognized those rights may be. Gibraltar in the hands of our most certain ally — whether through a continuation of its dependent status or its inauguration as an independent state in special association with the UK — constitutes good strategic insurance.[2]

The implications for Taiwan

THE IMPORTANCE OF Gibraltar to American interests presents itself far beyond the obvious arena of military geography. Indeed, the impact of the last colonial controversy of the European continent reaches into what initially may seem the unlikeliest places. Perhaps first among these is Taiwan.

The People's Republic of China (PRC) demands control over Taiwan. In this seemingly nonnegotiable position, the PRC draws from the same legal well as Spain in demanding Gibraltar. Both argue that the doctrine of territorial integrity trumps the right of self-determination, so Taiwanese and Gibraltarians alike can have no say in what happens to the lands they call home. The final disposition of the two territories, in the Chinese and Spanish views, is automatic, not democratic. And the automatic result that their reading of the law and history dictates is reversion.

Territory in an international context, however, is no longer a thing to be traded freely without reference to the rights of incumbents well-installed there or disposed of according to ancient parchments. Rights to territory with no existence outside the abstraction of treaties or historical arguments do not translate into a case for contemporary control. In the modern understanding, where an old claim has had no practical reality on the ground for a very long time — admittedly, international law leaves uncertain exactly *how* long — it seldom, if ever, can spring up to claim some afterlife. The Beijing

[2]It has drawn comment that the war against terrorism heightens the importance of Gibraltar's air and naval facilities. See Tom Baldwin and Michael Evans, "Cabinet Feud Over Straw's Gibraltar Deal," *Times* (London: May 10, 2002).

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and Madrid views are archaic and run against modern international law.

They also, intertwining, reinforce one another. Giving in to Spain's claim to Gibraltar bolsters Beijing's most intransigent demands over Taiwan, even possibly provoking an aggressive lurch where America wisely has long urged care and tact. Anybody doubting whether China would notice the fate of the rock should recall that Beijing's lawyers and strategists watched carefully to see what happened to Argentina's similar territorial integrity arguments 20 years ago in the Falklands. Argentina claimed that its ancient rights to title to territory, notwithstanding generations of dormancy, nullified any present-day rights of Falkland Islanders to determine their own fate. When Argentina attempted to convert this theory into practice, it met fierce resistance from Margaret Thatcher's Britain. The overwhelming majority of bystanders either accepted the UK position tacitly or applauded it. China's grand strategists had to go back to the drawing board, the legitimacy of a wanton strike across the Taiwan Straits having been cast into serious doubt.

Beijing's strategists watched to see what happened to Argentina's similar claims in the Falklands.

The United States has consistently maintained that the PRC must not resort to military means to bring about a settlement of its differences with Taiwan — and has not ruled out use of force in response to an assault on the island democracy. The United States, moreover, has expressed the view that preservation and promotion of the democratic nature of Taiwan constitutes a priority of American policy in the East Asia region. The Bush administration in particular has reiterated and reemphasized the American position that Taiwan-China relations must take place in a peaceful framework and with respect for the democratic and self-governing nature of Taiwan. Commitment to permit arms sales to Taiwan shows the substance behind the statements.[3]

It is hardly necessary here to recite the further grounds for American policy in the China-Taiwan question. Suffice it to recall that Taiwan possesses the sixteenth largest economy on Earth, carries on very substantial volumes of trade and commerce with the United States, and, at the Doha Ministerial meeting of November 11, 2001, gained admission to the World Trade Organization under the title "Chinese Taipei." American policy clearly defines the maintenance of peace over Taiwan as a priority. Letting Spain's

[3]Robert S. Ross identifies as primary the strand of American policy seeking pacific relations between Taiwan and the PRC and notes the continued military commitments of the United States to Taiwan. See his "The Stability of Deterrence in the Taiwan Strait," *National Interest* (Fall 2001).

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arguments about reversion and territorial integrity win the day over Gibraltar would echo well beyond that particular controversy. Sensitive to perceptions of legitimacy, the PRC would jump at the case as an informative example of what "should" happen with Taiwan. American policy in East Asia would avert a destabilizing precedent if the sovereignty of the Gibraltarians prevailed.

Missile defense

If the Taiwan Strait seems a surprisingly long stretch for Gibraltarian influences, outer space can seem no shorter. Yet the legal-diplomatic logic of the Bush administration's commitment to missile defense unavoidably conflicts with Spain's position on Gibraltar. In fact, Spain's Gibraltar position, if it prevailed in practice, would set a precedent eviscerating the legal-diplomatic logic of missile defense.

The United States, since the 1980s, has identified a necessity in creating a defense against attack by long-range and theater ballistic missiles. The Bush administration has renewed the emphasis on this element of strategic development, and the requirements of such defenses, in turn, have occasioned a careful assessment of American obligations under international treaties, in particular the Anti-Ballistic Missile (ABM) Treaty of 1972. On December 13, 2001, the president formally announced withdrawal from the ABM Treaty effective as of June 13, 2002.

Missile defense rests legally and diplomatically on the view that post-Cold War realities have outpaced the 1972 ABM Treaty and thus render it a dead letter. Spain, however, grounds much of its Gibraltar position on the 1713 Treaty of Utrecht — signed long before self-determination became an enshrined right and containing various clauses that remove any shred of doubt as to its complete expiry. If Gibraltar is stuck with Utrecht, then it becomes difficult to comprehend how America can free itself of ABM.

The essential support for withdrawal from the ABM Treaty resides in the doctrine of *rebus sic stantibus* — namely, that a treaty looses its binding force if the circumstances at its point of origin have changed in ways fundamental to the object and purpose of the treaty. As withdrawal from the ABM Treaty constitutes the legal-diplomatic foundation of missile defense, such defense itself in effect rests on *rebus sic stantibus*.

Spain bases its position on Gibraltar on alleged obligations arising from the Treaty of Utrecht, signed in 1713. Gibraltar, much like the United States vis-à-vis ABM, notes that circumstances in the environment in which the Treaty of Utrecht was signed have changed fundamentally. As much as circumstances since the end of the Cold War have changed in ways quite plainly casting doubt on the continued vitality of ABM, circumstances since 1713 have changed even more. The Treaty of Utrecht itself furnishes reminders of those changes. International law governing disposition of territory long ago

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ceased to conceive of territory as an object to be disposed of irrespective of the rights of inhabitants, yet it is in exactly such terms that Utrecht conceives of Gibraltar. Even more remarkable, the 1713 treaty forbids "Moors and Jews" from living on Gibraltar. It is hard to conjure phraseology more at variance with contemporary legal standards than a clause of overt racial-religious exclusion. To accept Spain's view that the Treaty of Utrecht is good law, and to reject Gibraltar's that it is manifestly bad law, is to cast aside *rebus sic stantibus* almost violently.

The United States approach to missile defense cannot logically or in principle survive the erosion of *rebus sic stantibus* that Spain's arguments about the Treaty of Utrecht would unavoidably cause. The United States has an interest in preventing acceptance of Spain's position that the reversion clause of the Treaty of Utrecht can remain good law.

Reparations for slavery

THE LEGAL-POLITICAL impact if the present Spanish view prevailed in Gibraltar would strike very close to domestic issues as well. Spain's claims, in substantial aspects, are claims for reparation — reparation for losses suffered in the early eighteenth century by people Britain moved from Gibraltar to Spain and by Spain for loss of sovereignty over the territory. Acceptance of the claims gives legal momentum to like reparation claims everywhere.

Debate in America over reparations for the Atlantic slave trade — which continued well after the alleged wrongs on which Spain hopes to gain ground on Gibraltar — therefore ties in with debate over the Rock. Americans should bear the link in mind when they ask themselves whether a court battle of indeterminate length and contour is the right way to move ahead with civil rights.

No balanced commentator would deny that key constituencies in the United States are acutely aware of the national responsibility to citizens disadvantaged by past wrongs. Claims that a legal obligation exists to make reparations for slavery have gained little traction, however, in part because it is widely accepted that national policy, implemented through multiple initiatives, including the Civil Rights Act of 1964 and subsequent programs of affirmative action, already incorporates mechanisms to alleviate the burdens of this chapter of the American past. A further reason that reparations claims have not gained acceptance is concern over the destabilizing impact such claims, if accepted, would have on settled legal relationships.

Americans appreciate that the law, as an institution, serves to lend predictability and sustainability to relationships among people and resources. Opening the field to claims based on ancient wrongs strips law of this crucial function. Not only in the United States, but in any country where a group can claim that remote ancestors experienced some unfair deprivation

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of right, acceptance of claims like the slavery reparations claims would constitute a troubling precedent. If accepted, the Spanish position on Gibraltar, too, would serve as precedent for claims throughout the world to revise territorial arrangements on the basis of alleged past wrongs, however remote. The profusion and diversity of such wrongs is nothing short of kaleidoscopic — a reality to which Daniel Patrick Moynihan alluded in *Pandemonium: Ethnicity in International Politics* (Oxford University Press, 1993) and that legal scholars understand as requiring some eventual closure.

Recrudescence of the European past

As much as Americans might deliberate over the wisdom of a reparations approach to the past injustice of slavery, few would hesitate an instant to reject any hint of a resurgence of the fascist and Nazi totalitarianisms of recent European history. Yet Spain's no-compromise stance on Gibraltar panders to the worst lingering constituencies from Spain's past — constituencies akin to those in Germany who call for the return of the Sudetenland or in Italy who wax nostalgic for old authoritarian certitudes. Still troubled by Basque and Catalan dissatisfaction, Spain hardly needs the one additional unhappy minority Gibraltarians inevitably would become. A precedent liable to open old and new wounds alike runs against America's interest in a stable Europe.

Stabilizing the frontiers and democratizing the internal politics of Europe has stood as a long-term goal of the United States since World War II. If the uncompromising views currently in fashion in Spain prevail in the case of Gibraltar, remnants of authoritarian attitudes elsewhere in Europe will find fuel and encouragement for their own out-of-date agendas. Throughout the continent, irredentist claims — that is, claims for the return of allegedly "lost" territories — have largely been extinguished, but they continue in places to smolder, in particular among groups seeking revision of borders in the Sudetenland and the South Tyrol. "Return" of Gibraltar to Spanish rule would spur recrudescence of the very strands of European politics that the United States has sought to diminish over a half century of democratization, as well as upsetting the settled principle in Europe of the fixity of existing national boundaries — a principle enshrined in the Helsinki Final Act and, however much called into question in certain cases of ethno-linguistic strife such as Croatia and Bosnia, widely credited with a beneficent influence.

Relatedly, Americans note with concern the rise of far right intolerance in Europe, as much in the electoral shocks of Jean Marie Le Pen or Jörg Haider as in desecrated synagogues and skinhead violence. Home to diverse communities of Catholics, Protestants, Muslims, and Sephardic Jews — the last long ago made unwelcome in Spain — Gibraltar represents the very tolerance and international engagement that Americans instinctively defend. Absorption of the territory into a large European state that, notwithstanding

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present credentials, has a less reassuring recent record would mark a motion of doubtful wisdom.

The constitutional structure of Spain, with its special autonomies for Catalonia and the Basque province,[4] would experience new pressure from the difficulties that will arise if Madrid attempts to integrate 30,000 unwilling Gibraltarians. Their unwillingness lies beyond doubt, as the population down to virtually every inhabitant turns out to vote against integration, to protest Labour officials seen as soft on Madrid, and to celebrate Tories such as Iain Duncan Smith and Michael Ancram, who have taken up the Gibraltarian mantle. At best, a cession of Gibraltar in any form to Spain would introduce irritants to Spanish politics and recall tendencies that America has strived to help Europe overcome.

Haven of regulatory competition

THE UNITED STATES recognizes that its citizens have widely ranging interests in the banking, financial, transport, and other fields and aims to protect these interests around the world. The United States recognizes further that maintaining a diversity of regulatory regimes in the global market helps protect the interests of its citizens. Regulatory competition fosters improvement of regulatory regimes.

This is not to ignore the pitfalls of regulatory freedom on the international stage. Regimes that stray too far from "best practices" — especially where they invite possible abuse of a regime by money launderers, tax evaders, or worse — must feel the brunt of international — that is, American — ire. Gibraltar in fact numbered among the places that faced serious questions in recent years about its own tax and regulatory system. In most particulars, the Gibraltarian government of Peter Caruana has undertaken measures satisfying international demands, most recently, on February 27, 2002, signing on to an Organization for Economic Cooperation and Development initiative to mitigate "harmful tax competition."

Reflecting the American view, the present U.S. Treasury Secretary, Paul O'Neill, has expressed reservations toward measures that he believes would excessively restrict rules at the international level on banking and taxation. Gibraltar, in furnishing a favorable regulatory regime in key sectors of the international economy, fosters the diversity of regulatory regimes recognized to protect the interests of American enterprise. In adopting new guidelines and taking reparative action with respect to past loopholes, the territory

[4]See A.E. Dick Howard, "The Indeterminacy of Constitutions," 31 *Wake Forest Law Review* 383, 400 (1996); Charles E. Ehrlich, "Ethno-Cultural Minorities and Federal Constitutionalism: Is Spain Instructive?" 24 *Southern Illinois University Law Journal* 291 (2000).

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arguably has achieved a proper balance between regulatory liberalism and international responsibility.

It is far from clear whether the best features of Gibraltar's favorable regulatory and tax environment would survive incorporation into Spain. Insofar as retrocession of the territory to Spain would erode a favorable environment, retrocession simultaneously would erode the legislative diversity that advocates of the free market widely recognize as benefiting American investors and entrepreneurs in the international economy.

Whither Gibraltar?

GIBRALTAR HAS STOOD independent of Spain for three centuries. Gibraltar's people, in referenda, polls, and protests, have made clear that they wish to act on their sovereign rights — not surrender them.[5] A result that gives credence to Spain's claims works injustice against Gibraltarians — and will rumble legal and political foundations far beyond the Rock itself.

[5]The most recent expression of Gibraltarian sentiment was the result of a November 7, 2002 referendum. The referendum posed the question, "Do you agree to the principle that Britain and Spain should share sovereignty over Gibraltar?" Over 90 percent voted "no." See "Gibraltar Votes Out Joint Rule with Spain," *Guardian* (November 8, 2002).

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BOOKS

Waiting for Sunrise

By YING MA

DAVID SHEFF. *China Dawn: The Story of a Technology and Business Revolution.* HARPERBUSINESS. 301 PAGES. $26.95

EVERYBODY WANTS something from China. American policymakers would like to see Chinese authoritarian rule undermined and democracy peacefully emerge. Chinese entrepreneurs from Beijing to Shenzhen want to found world-class companies that rival Western multinationals. Western businessmen salivate over the potential returns of investing in a market of 1.3 billion people. The Chinese government wants to develop a modern economy but maintain a backward, repressive political system.

When the information revolution caught fire in China in 1997, it appeared poised to grant everyone's personal China wish. The revolution promised to spur the free flow of information, create a Chinese "New Economy," attract foreign investment, and make people rich. Former president Bill Clinton called the internet "a harbinger of democracy" in China. Chinese president Jiang Zemin bragged to American audiences that Chinese society was rapidly becoming more modern through the internet and cell phones. Chinese companies regularly popped up in Zhongguancun, Beijing's high-tech district, billed as China's answer to titans like Microsoft, Yahoo, or eBay. Foreign companies — big names like Dell, Dow Jones, America Online, and others — rushed to invest in the new frontier of the technology bubble, banking on Chinese companies that promised a spot on stock exchanges in Hong Kong and New York. For a while, everyone was utterly giddy.

Far fewer are giddy today. Though the information revolution drastically changed the face of China during the past five years — connecting more Chinese than ever before with the outside world through the internet, wireless handsets, and broadband — democracy has not surfaced. The technology that was supposed to have a democratizing effect instead is controlled by government and private censors. The Chinese government has promoted the internet's economic potential but has also labored assiduously to suppress its ability to free minds from authoritarianism. In the past few years, some Chinese entrepreneurs became rich, most foreign investors did not make nearly as much money as they had expected, and Washington is left wondering whether the information revolution can still deliver what it promised.

Ying Ma is a student at Stanford Law School and a former staff member of the congressional U.S.-China Security Review Commission.

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David Sheff's *China Dawn: The Story of a Technology and Business Revolution* is the first comprehensive attempt to explain the giddiness and disappointment inspired by the information revolution in China. Shadowing top executives from successful high-tech firms in China over a three-year period, Sheff captures the IT explosion in China from the perspectives of the players who made it possible.

Sheff, a friend of the movers and shakers profiled in *China Dawn*, offers a close-up account of the creation of the Chinese "New Economy." Unfortunately, it is not an objective account. Enamored with the talents and success of his friends, Sheff fails to critically evaluate the business and political realities created by the Chinese government. Intoxicated by the excitement, uncertainty, and contradictions of modern China, Sheff confuses economic progress with signs of political liberalization and successful business leadership with political representation. As a result, the book offers an incomplete and naïve interpretation of the internet's role in a complicated nexus between business and politics in China.

CHINA DAWN features venture capitalists, investment bankers, internet executives, telecom chiefs, and ordinary dot-com workers. It tells the story of Bo Feng, an investment banker for Robertson Stephens, who invested in the Chinese IT industry long before Westerners knew or believed that Chinese citizens had computers. There is also Edward Tian, founder of the technology firm AsiaInfo, who helped lay the infrastructure for the internet when few in China even knew what it was. He would later serve as the chief executive of China Netcom Corporation, a state-owned telecom company that prepared the groundwork for Chinese citizens to access broadband. There is Wang Zhidong, founder and former CEO of Sina.com, who created the biggest and most popular internet portal in the Chinese-speaking world and brought the heartbeat of Chinese communities online. Smart, charismatic, dedicated, and savvy, Chinese like Feng, Tian, Wang, and other subjects of *China Dawn* were risk takers, pioneers, and entrepreneurs turned business leaders.

Numerous Chinese citizens — from those who had studied at prestigious Western universities and enjoyed fat family connections to those who started out with nothing but a dream — created a business revolution in the late 1990s. Instead of working at traditional state-owned enterprises, they joined the IT industry as engineers, graphic designers, business development managers, sales representatives, marketing professionals, or executives of their own companies. They learned to secure venture capital, write press releases, draw up yearly marketing plans, sell products, and pool resources to build companies. This generation of Chinese became practiced entrepreneurs and respected professionals who pushed forward the Chinese economy's march from communism to capitalism.

Unlike their counterparts in Silicon Valley, the Chinese tech entrepreneurs faced odds far more daunting and market conditions far less favorable. The tech revolution they pioneered occurred alongside China's messy transformation from a planned economy to a market economy. As the government wrestled with how to pursue economic liberal-

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ization, it became an ever-present and uncontrollable factor in every business venture, imposing unpredictable regulations, creating political uncertainties, scaring away foreign investors, angering politicians in Washington. In May 1999, when Chinese students staged massive, government-condoned anti-American demonstrations in the aftermath of the NATO bombing of the Chinese Embassy, Chinese and American businessmen worried that bilateral trade ties would be severed. In late 1999, when Beijing decided that foreigners would be prohibited from investing in the Chinese telecom industry, No. 2 carrier China Unicom had to engage in harsh legal and financial negotiations to disentangle itself from foreign investors. In 2000, when the Chinese government issued its first set of comprehensive regulations to censor the internet, the stocks of all three mainland-based, Nasdaq-listed internet firms — Sina, Sohu, and Netease — plummeted. Amid grave market uncertainty and relentless government interference, the Chinese internet generation nevertheless built a new economy.

The revolution they created was explosive and breathtaking. The internet population in China grew from a paltry 620,000 in October 1997 to 45.8 million in July 2002. Already, over 2 million of these users are accessing the web via broadband. China's mobile telephone market, which included only a handful of subscribers a few years ago, now boasts over 180 million users and is the largest such market in the world.

The revolution was special, too, because the participants were driven not only by the desire for wealth, but by a commitment to create a more technologically advanced and modern China. Through their hard work, young people who had never stepped foot outside of their hometown were falling in love long distance over the internet, cities that never had telephones were wired for broadband, people who did not have personal computers were now trading songs and images on cell phones. Even when the bursting of the technology bubble in 2000-01 sent shockwaves through the industry in China, the subjects of *China Dawn*, along with other Chinese dot-comers, techies, and financiers, pressed on, motivated partly by the belief that their industry and their efforts would help China leapfrog from third- to first-world status.

BUT AS THE business and technology revolution swept through China, the much-expected political revolution never materialized. Though Beijing has facilitated the growth of the industry by cutting internet connection fees, supported national campaigns to bring government agencies, businesses, and homes online, and promised to permit partial ownership in domestic internet companies according to a World Trade Organization timetable, the regime has aggressively clamped down on what it considers subversive thought online. Internet content and service providers are required to maintain detailed records about their users, install software to record email messages sent and received, and send copies of any emails that violate government regulations to the relevant agencies. Internet cafés have been forced to install filtering software that blocks or deletes sensitive web content. Individuals seeking to

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spread democracy on the web have been arrested, websites that publish news and commentary critical of the government have been fined or closed, internet cafés that do not properly record their users' online activities or filter out inappropriate sites have been warned or shut down.

China's behavior on the world stage was similar: It has eagerly shaken hands with the West on everything from membership in the WTO to hosting the Olympics, but it continues to suppress religious freedom, deny workers' rights, brainwash its citizens, quash organized political dissent, torture and refuse due process to dissidents, and impose arbitrary and brutal government policies. Essentially, Beijing has applied to the internet medium the same approach it has used for economic liberalization: Promote technological and economic strength while suppressing dissent.

The information revolution has had a far-reaching impact. Employees who were once told that all property belonged to the state now understand what it means to own a piece of a company through stock options.

Sheff, much like other Western observers who measure progress in China according to the benchmark of its Maoist, totalitarian past, is all too willing to overlook political repression by pointing to rapid improvements in Chinese society for the past two decades. As a result, he views dashing, charismatic Chinese businessmen as wholly representative of China's future. In *China Dawn*, not only are the high-tech types lauded for their business success; they are also trusted for their political opinions. When his subjects maintain that censorship can be bypassed by those who try and that China can no longer turn back progress, Sheff becomes a conduit for their optimism with such corny Chinese sayings as "Paper can't wrap fire" and "Once you ride a tiger, it's hard to dismount."

To be sure, the information revolution has created ramifications far beyond business. It has liberalized social — if not political — discussion, exposed instances of policy failure and abuse, and pushed business closer to the rule of law. Top internet companies sue each other over plagiarism, inspiring extensive, heated arguments in court, in the press, and in online chat rooms — an indication that Western multinationals are no longer the only ones who care about intellectual property rights. Employees who were once told that all property belonged to the state now understand what it means to own a piece of a company through stock options. Sheff points out that the government mouthpiece *People's Daily* even went so far as to solicit citizens' opinions and criticisms of Beijing on its website.

However, Sheff's overly optimistic

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interpretation of modern Chinese authoritarian rule confuses social and economic opening with signs of political liberalization. The two-pronged approach applied by Beijing to controlling dissent in Chinese society does not require the monitoring of every idea expressed online or in print; rather, the central government enforces its will by employing false propaganda, distortion, blackmail, incentives for self-censorship, and official intimidation. Accordingly, no commercial website in China can operate without a government license. Major content providers dutifully self-censor by deleting messages, warning users, and blocking entry points to more sensitive sites. Websites that fail to comply face punishment ranging from extraordinary fines to business closure. Those who seek to express political dissent online are intimidated by the arrests of online dissidents. On the anniversary of the June 4 Tiananmen massacre earlier this year, the government fined several of the largest websites for not having deleted sensitive political commentary about the occasion. Other commercial websites that were not fined took note and acted accordingly. In the internet age, even though some anti-Beijing voices have surfaced online, none has been allowed by the government to threaten its one-party rule.

Having failed to comprehend that control of information in modern China is more insidious than during the Mao era, Sheff also seems only vaguely aware that the yuppies he profiles harbor a sense of optimism not shared by many other Chinese who have fared far worse in the reform era. They include laid-off workers from state-owned enterprises who have been cheated out of their pensions, peasants who are taxed unfairly by corrupt local officials, teenage factory workers who get their limbs mangled in sweatshops, and labor activists who are arrested while seeking fairer wages and safer working conditions. As impressive as China's tech businessmen are, they are not political visionaries who fight for

Content providers dutifully self-censor by deleting messages, warning users, and blocking entry points to more sensitive sites. Websites that fail to comply face punishment ranging from fines to business closure.

abused Chinese citizens or who regularly search for more enlightened, more humane governance in China.

In fact, the nonchalance of the Chinese entrepreneurs toward government repression only reflects the triumph of government efforts to wipe out its citizenry's political consciousness. Since Beijing opened fire on student democracy protestors in 1989, it has employed its massive propaganda powers to tout the precedence of economic reform over political freedoms. Not only have Chinese citizens been barred from political activism by force;

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they have also been bombarded with propaganda warning that political reform would create instability and endanger the success of much-needed economic reform. In a world where political activism is seen as wholly incompatible with economic progress, many citizens have adopted the government motto "To get rich is glorious" and shunned organized dissent.

Those Chinese who have not accepted the government's rationale are barred from opportunities for business success. Jimmy Lai, a noted publisher and businessman in Hong Kong, has been more or less shut out of the China market due to his outspoken, critical views of the mainland regime. Media tycoon Rupert Murdoch found his business development in China thwarted when he touted satellite television's ability to undermine Chinese authoritarian rule (he quickly relented). It is small wonder, then, when those who have fared well in the China market sound suspiciously similar to the government. Bo Feng, the suave venture capitalist, toes the party line and states that for China, "focusing on economics *is* human rights." Other internet executives, not noted by Sheff, are far more gushing in their support of the regime. When Beijing announced that it would censor internet content in late 2000, chinadotcom, a Hong Kong-based, Nasdaq-listed internet company, congratulated the Chinese government for its vision and leadership. When asked about the nature of online censorship in spring 2002, the CEO of another popular Chinese dot-com proudly declared that the news content used by his company was "safe" because it had been prescreened by the government.

As *Washington Post* columnist David Ignatius keenly observed, Chinese yuppies seem "genuinely bored by the debate about democracy and human rights. . . . It's hard to be angry when your stomach is full." One day, the West may realize that the ultimate irony of the Chinese economic miracle is that its most Westernized, most successful representatives are not freedom fighters but businessmen who have made the compromises necessary to profit in a police state. Sheff oohs and aahs over his subjects' achievements but is oblivious to their willingness to rationalize government repression.

THE DIFFERENCE between American and Chinese reaction to online censorship reveals a fundamental gap between the two sides. While the Chinese sought everything from wealth to economic development, personal gratification to electronic thrill, numerous notable Americans like President Clinton and *New York Times* columnist Thomas Friedman hyped the internet's awesome democratizing abilities to such an extent that Washington came to evaluate the success of the Chinese internet solely on its ability to undermine authoritarian rule. To the Chinese, information has always been controlled by the state, as is evident in Beijing's control over everything from print and broadcast media to artistic expression. Wang Zhidong, Sina's former chief executive, often explained to Westerners that the internet was a progressive medium and has faced far fewer government restrictions than traditional media in China. Yet to Washington, information represents the gateway to freedom of speech and freedom of thought. Many did not think

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that China would or could control the faceless, nameless, borderless information superhighway. When Beijing proved that it could, pundits, academics, policymakers, and human rights activists were not only surprised but also indignant.

The fundamental perception gap has created, on the one hand, observers like Sheff, who became starry-eyed over the political future of China and consistently underestimate the extent of government repression, and, on the other hand, Washington policy types who systematically ignore the fact that the internet, though not having brought about democracy, has nevertheless accomplished no small feat: It delivered to China an unprecedented amount of hope and excitement never dreamed of before. *China Dawn*, by its inability to address the political reactions to the Chinese information revolution, is itself an unwitting example of the yawning gap between Western political expectations and Chinese business realities.

In the end, the indignant policymakers in Washington and the Chinese entrepreneurs all in their own ways hope to bring about a better China through the information revolution. China's internet experience teaches that a business revolution is not a political revolution, and the former may not necessarily lead to the latter. While Washington needs to recognize that ordinary Chinese citizens can still love a censored internet because their lives are not about all-democracy, all-the-time, observers like Sheff need to realize that his subjects and other flamboyant Chinese businessmen may not be the answers to China's political pains. Regardless of the glamour of the New Economy, China's political future will still have to be fought in unglamorous locations like labor camps, detention centers, courtrooms, and the streets, and on the pages of freewheeling newspapers and websites that dare to deviate from the government line.

The business and technology revolution in China deserves the world's applause. But the world should never forget that a true "China Dawn" will never materialize until the political revolution is won.

A Triumph of Style

By Sam Munson

Terry Teachout. *The Skeptic: A Life of H.L. Mencken.* HarperCollins. 432 pages. $29.95

The name H.L. Mencken is instantly recognizable to the citizens of Baltimore and perhaps, though not as it once was, to the citizens of the United States in general. His pungent, funny, unforgiving, and almost totally unsentimental prose was a fixture in the American consciousness for a half-century. He relentlessly and mercilessly skewered any and all pieties that he saw as obscuring the true state of things, rarely indulging himself in

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Sam Munson is a student at the college of the University of Chicago and a former editorial assistant at Policy Review.

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the smugness or self-righteousness so common to American social critics. His critical and editorial styles defined, for many, the teens and twenties, and his magazine, the *American Mercury*, remains to this day as much a symbol of early twentieth century American cultural life as the work of Edmund Wilson or F. Scott Fitzgerald. He also achieved that rare position to which modern journalists so often pretend: a kind of permanent and autocratic opposition to reigning political and social mores.

Terry Teachout's *The Skeptic: A Life of H.L. Mencken* is an admirable portrait of one of the most prodigious figures in American letters. Mencken's fierceness and his courage, his insistent assertion of the value of certain habits of thought and the worthlessness of others, and the breadth of his scope ought to serve much more than they currently do as a model for journalists, book reviewers, and "culture critics." This is not to say that Teachout is in any way blind to the numerous faults of his subject and his subject's works. Mencken's deep admiration for German militarism, his isolationism, his racism and anti-Semitism, and the fact that Mencken, through his "permanent opposition" and his "extreme skepticism," often failed to acknowledge genuine cultural progress and to appreciate its value and utility all appear in their proper context in this book. This is not hero-worship, as perversely heroic a figure as Mencken might have been; this is an even-handed and unfailingly objective biography.

MENCKEN BEGAN life in 1880, comfortably ensconced in a middle-class household. He displayed an early aptitude for and enjoyment of literary efforts. His only secondary education took place at the rather grim-sounding Baltimore Polytechnic School, and soon after, hard on the heels of his father's death, he began what can only be described as a meteoric career: After starting in the city room of Baltimore's *Morning Herald* at 18, he rose to the position of editor-in-chief by the time he was 25, "in command of men twice his age." He staged his first coup as a journalist when a fire ravaged Baltimore in 1904, destroying the *Herald*'s offices. Deprived of an office and a press, Mencken rushed from Washington to Philadelphia to get the *Herald* out and to keep the citizens of his hometown informed. His energy won him a profile in the magazine of the newspaper and magazine trade, *Editor & Publisher*. In 1908 he published a book on Nietzsche. This was a momentous event for him — as Teachout shows us, he found in Nietzsche's philosophy a completion and refinement of his own theories on natural superiority (not the least his own) and the right of the superior to rule.

By this time, sadly, the *Herald* was defunct, and in 1909 he began publishing a monthly column in the *Smart Set*. This marked the beginning of his fruitful collaboration and friendship with George Jean Nathan, a dandified New Yorker and the *Smart Set*'s drama critic. By 1910, Mencken was a prominent part of the Baltimore press, appearing four days a week in a column for the *Sun*. By 1915, he and Nathan had taken charge of the rapidly declining *Smart Set*, and here he developed his intensely autocratic manageri-

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al style. Despite this large and early success, his reputation was about to suffer a serious blow. He had begun, a few years earlier, to run into trouble with his readers and editors for his endorsement of German militarism, and with the entry of America into World War I, he found his unequivocal manner under political and social scrutiny (at one point burning some of his papers) and his reputation in the daily press damaged. He also began, with his vocal, after-the-fact criticisms of Woodrow Wilson, the tradition of "opposition" that he would extend through the presidencies of Coolidge, Hoover, and FDR.

In 1919, he published *The American Language*, which would turn out to be one of his most durable books, and the first volume of the *Prejudices*, the series of books with which his name today is perhaps most associated. The former is a long, serious, and amateur (in the word's truest sense) study of the peculiar language called American English. The latter is a collection of his attacks on the current pantheon of American literary gods and demigods. In 1924, he founded the *American Mercury* and achieved a readership and notoriety unprecedented even in his astonishingly successful career. After nine years, brought low by his refusal to denounce Hitler, the departure of Nathan from the *Mercury*, and the increasing disenchantment of the American public with his particular brand of crankiness, he handed the magazine over to Alfred Knopf. He had been married in 1932, and the early death of his wife, tragically, coincided with his stepping down as editor of the *Mercury*. He published in the *New Yorker*, came out with *Happy Days*, and returned to the *Sun* for a brief stint as head of the editorial page from 1938 to 1941. From 1942-48, he absorbed himself almost entirely in writing *Thirty-Five Years of Newspaper Work*, *My Life as Author and Editor*, supplemental volumes to his *The American Language*, and *A Mencken Chrestomathy*. His presence in the press had all but vanished, and he had begun to feel the effects of the cardiovascular problems that would eventually kill him.

Mencken had begun to run into trouble with his readers and editors for his endorsement of German militarism, and with the entry of America into World War I, he found his unequivocal manner under political and social scrutiny.

He resumed working for the *Sun* in 1945 and continued to write for the paper until he suffered a serious stroke in 1948. After this, his output was reduced to nothing. He remained in contact with his literary and journalist friends, celebrated in biography and otherwise. William Manchester came four times a week to read to him; a doctoral student at Johns Hopkins, a later companion, wrote a brief personal account of the end of Mencken's life,

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recording phrases that would serve admirably as anyone's epitaph, and especially well as Mencken's: "You know, I always enjoyed life in all its forms. . . . I had a good time while it lasted." Mencken died on January 28, 1956.

All in all, an astounding career. Teachout has his work cut out for him. He quotes amply but not excessively, showing Mencken at his best and worst with remarkable economy. Mencken the man and Mencken the author exist in a harmonious balance here: One does not eclipse the other, and because of this our sympathies, ultimately, are with Mencken, despite his ideological quirks. Particularly effective are the sections dealing with the three women most important to Mencken: his mother, his ex-lover Marion Bloom, and Sara Haardt, eventually his wife. Mencken's emotional difficulties (some might say inadequacies) with women serve as an interesting counterpoint to his "omnicompetence," to use Teachout's word, in his professional life. They serve — particularly the story of Sara Haardt's early death — better than anything else to remind us that Mencken, despite his machine-like energy and the unrelenting hardness of his judgments, had a very human side. Teachout judiciously excerpts Mencken's correspondence with Bloom and Haardt, letting the man's words show the great tenderness of which he was capable.

We see the uncharitable side of his personality as well: Teachout shows us his diary entries, and his rather unfortunate comment on William Jennings Bryan that "[Darrow and I] killed the son-of-a-bitch." Mencken's harsh judgments of ideas and public personalities were not restricted to those spheres: He refers to his fellow *Sun* employee and close associate (one hesitates to say friend) Hamilton Owens as having "no more principle in him than a privy rat." Moments like these are the most interesting in the book.

The sections of the book dealing with the problem of Mencken's rather peculiar views about Jews are just as successful as Teachout's illustrations of his more humane qualities. Bigotry is one of the most difficult subjects to write about, especially in our hypersensitive modern age, and despite recent trends in the opposite direction, most Americans retain a special horror of anti-Semitism. Teachout, speaking of Mencken's own naïve brand of anti-Semitism, is honest without being accusatory. He quotes from Mencken's *Treatise on the Gods* and a subsequent interview in a Jewish newspaper: The Jews are "plausibly . . . the most unpleasant race ever heard of," lacking "many of the qualities that mark the civilized man." Teachout makes the telling point that this was not exactly an uncommon position, even among certain assimilated sections of American Jewry. He does not offer this up as mitigation. Rather, as he did in rendering Mencken's relations with the important women in his life, he lets Mencken speak for himself.

Teachout also points out what for him is the biggest sticking point in Mencken's thought: his extreme skepticism. This renders Mencken's thought finally "incoherent" as a corpus, according to Teachout, and he devotes serious effort to understanding the nature of this skepticism. Teachout

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conceives of it as a rejection of the Christianity of the Puritans for its alleged "spiritual narrowness." The rejection is rooted in Mencken's discovery, and perhaps too-literal interpretation, of Nietzsche. With this rejection, quite naturally, comes a wholehearted, baby-with-the-bathwater rejection of the mores of American politics, literature, and social life, which were (and in some way still are) deeply rooted in Puritanism. It is odd to use that word in its non-pejorative sense here; Mencken perhaps contributed more than any other to its gradual growth into a term of opprobrium.

The important part of Mencken's career spanned four presidential administrations: Wilson, Coolidge, Hoover, and that of his archnemesis, Franklin Delano Roosevelt. His response to each of them says a great deal about him, and also about the climate of his times. Wilson, as Teachout pithily puts it, "wielded power with the certitude of a college president turned reform politician." His administration was responsible for Prohibition, the Espionage and Sedition Acts, and the pie-eyed internationalism of the Fourteen Points. It is difficult to imagine anything more repellent to a man like Mencken, who loved to drink and criticize the government and had an autographed photo of Wilhelm II hanging in his back bedroom, sent by the Kaiser himself in appreciation of Mencken's "The Mailed Fist and Its Prophet." And though, because of the aforementioned acts, he could not express himself in print, he did not hold back when finally afforded the chance: "Between Wilson and his brigades of informers . . . and the Prohibitionists and their messianic delusion, the liberty of the citizen has pretty well vanished in America." Wilson's administration, and later Roosevelt's, came to embody for Mencken what he saw as the deepest defect of democracy: the "conspiracy" against the "superior man" animating its heart. The intervention of the executive branch in the life of the citizen was for Mencken the consummate expression of this plot, and FDR, another firm believer in executive activism, would receive his lashes in turn:

> He is directly responsible for every dollar that has been wasted, every piece of highfalutin rubbish that has been put upon the statute books, and for the operations of every mountebank on the public payroll, from the highest to the lowest.

Mencken, by unhappy accident, was born, lived, and died an autocrat in an age most conspicuous for its hostility to autocracy (save perhaps the autocracy of the president). The increasingly large role of the federal government in private life, its concern with the morality of the citizenry, its unrelenting social "uplift" — and all the other trappings of an overly and unhealthily engaged executive branch that have plagued us since — all had their beginnings here. And Mencken struggled against them until he literally could not struggle any more. One can only salivate at the thought of how, had he lived, he would have taken on the modern United Nations, the Great Society, school redistricting, and every other ill-imagined scheme devised by the arrogant and starry-eyed modern left (although, to be fair, it is difficult to imagine him treating NATO or Ronald Reagan with any great delicacy either). Despite his

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crankiness and extreme skepticism, we who live in the aftermath of the sixties (and fifties, forties, thirties, twenties, and teens) still perhaps can learn from him. Teachout offers us a remarkable opportunity to do just that.

TEACHOUT'S THOUGHTFUL epilogue goes a long way to explaining the peculiar position that Mencken occupies in American letters. He is accepted by neither the conservative nor the liberal establishment, though he has strong affinities with both, as Teachout sees it. This is appropriate for someone of Mencken's temperament — it is difficult to imagine him allowing either side to claim him. Indeed, what Mencken's success consisted of, in Teachout's words, was a "triumph of style." Form and content are "inseparable" in Mencken's work, and what that marriage ultimately expresses are fundamental characteristics of the "American temperament" — that "witty and abrasive, self-confident and self-contradictory . . . always inimitable" *something*. The chapters preceding the epilogue, however, depict a success not merely of style or of temperament, but of a kind far more tangible and immediate. Even if we cannot forgive Mencken for his anti-Semitism or understand his skepticism, we have to admire his energy and his capacity for tireless labor, as well as the size of his output, its range, and its consistently high level of quality.

The quality of Teachout's work does justice to the quality of Mencken's. *The Skeptic* is remarkable both for its own smaller-scale "triumph of style" and for its honesty and objectivity. But it is perhaps most remarkable for the access it grants the modern reader to the life and mind of a man in many ways sadly alien to our modern temperament — but a man from whom we can still learn how to banish credulity, trust our own sensibilities, enjoy the hell out of life, and labor ceaselessly for what is important.

A Reformer In Egypt

By AARON MANNES

TAREK HEGGY. *Egyptian Political Essays*. DAR AL SHOROUK. 423 PAGES. $10.00

IMAGINE AN ARAB VOICE, based in the region, part of the elite, that calls for self-criticism and massive political and economic reform and that frankly admits the failures of the political ideologies dominating the Arab world. Moreover, this voice calls the conspiracy theories and overblown rhetoric that pervade the Arab media signs of a cultural crisis and insists that Arabs come to terms with political reality. Finally, this voice urges normalization with Israel, castigates the Arab media for their vicious anti-Semitism, and criticizes Al-Jazeera for reintroducing the radical rhetoric of

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Aaron Mannes is the author of Profiles in Terror: The Reference Guide to the Middle East Terrorist Organizations and Their Affiliated Groups *(Jewish Institute for National Security Affairs).*

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the 1960s that led the Arab world to catastrophe.

Meet Tarek Heggy. He says everything a Westerner, stunned at the depths of Arab societies' ignorance, tyranny, and rage — revealed in the aftermath of 9-11 — would hope to hear. An exceptionally well-read Egyptian businessman, Heggy has written 12 books of essays in Arabic and translated four of them into English. He has collected most of his work in English into a single, self-published volume, *Egyptian Political Essays*. Most of his writing in English and Arabic is available on his website, www.heggy.org.

Heggy's main themes are the need for economic, political, and cultural reform in Egypt. In his essay, "Why Do I Write?" he explains that his purpose is to encourage self-criticism, to defend the shared values of all civilization, to advocate freedom of belief and a culture of peace, to advance market economics, and to counter the "Goebbels-style propaganda machines operating in Egypt and the Arab world and their dangerous manipulation of public opinion."

Heggy is mercifully uninterested in the all-consuming Arab obsession with the supposed Zionist conspiracy. He recognizes that the hostility towards Israel promoted in the Egyptian press merely serves to distract Egyptians from their abysmal government. In "Between a Culture of Peace and a Culture of War," he chastises the state-controlled media for encouraging enmity towards Israel and the United States despite the Egyptian government's official commitment to peace with Israel. He reminds Egyptians that the several decades of hot and cold war with Israel constituted a period of "arrested development" for Egypt, replete with military and economic failures. Within the Egyptian intelligentsia, it is commonly believed that the West and Israel seek to achieve hegemony over Egypt by destroying Egyptian culture. Intellectual leaders consequently endeavor to limit Western cultural influences in general and virulently oppose normalization with Israel. Yet Heggy retorts, "To believe that our cultural identity will collapse when exposed to other cultures is an insult to our culture and civilization."

But Israel occupies a small fraction of Heggy's work. An Egyptian patriot, Heggy's real dream is a strong, modern, and free Egypt. His earliest work critiques Marxism and socialism, then extends to explorations of Arab society and Arab mindsets. Heggy also addresses Islamist extremism, which springs from the same roots of poverty, ignorance, and oppression — and has similar totalitarian ends. His comprehensive analysis of Egypt's present situation is devastating.

Egypt never became strictly communist, but during Gamal Abdel Nasser's rule from 1952 to 1970, Egypt nationalized industries and built a statist economy. The results have been the massive — and predictable — economic stagnation that has plagued Egypt for the past half-century. Under President Hosni Mubarak, fiscal and monetary policies have been liberalized, but the central problems facing Egypt's economy have continued to fester.

In his book *The Four Idols*, Heggy outlines reforms for the agriculture, housing, and public sectors and for the

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education system. His prescriptions, familiar to advocates of free enterprise, include eliminating loss-making public-sector enterprises and reducing government control over successful units of the public sector. Laws that have created economic disasters also regulate the agricultural sector and the housing market. Egypt, the breadbasket of Mediterranean civilizations for thousands of years, is now a net food importer. Nasser-era housing laws favored the tenant as the exploited party and led to a reluctance to invest in the housing market — and consequently to a deterioration in the quality and quantity of housing. For Egypt's fast-growing population, the ongoing housing shortage is a central irritant fueling social unrest.

The education system became just another part of the civil service, and fell prey to the corruption plaguing all of Egypt's bureaucracies. Teachers use classes to market themselves as private tutors.

Heggy's analysis of Egypt's failed educational system leads him to study the moral and cultural decline of Egyptian society. In the first half of the twentieth century, Egypt underwent a renaissance in which several generations of intellectuals, well versed in Egyptian civilization, absorbed Western culture and attempted to fuse the two traditions to create an Arab modernity. Meeting with Egypt's present university elite, Egyptian graduate students studying abroad, Heggy finds the exact opposite of these earlier generations:

> For the most part, they had been defeated by the challenges of an unfamiliar culture and so had avoided the difficult path of adapting to and absorbing this culture and opted for the easy one of retreating into themselves. . . . The reason for the cultural introversion of our graduate students abroad is, I believe, the poor educational and cultural baggage they carried with them from their country and which was totally inadequate in the face of the cultural and intellectual challenges of the host country. . . . [They became] completely wrapped up in themselves and their own narrow vision, isolated and brewing ideas that belong to the age of darkness and obscurantism.

This sad reversal is in great part due to Nasser's education policies. The Egyptian education system became just another part of the civil service and fell prey to the corruption and incompetence plaguing all of Egypt's bureaucracies. Currently, Egypt's primary and secondary schools focus on rote memorization. Poorly paid teachers use their classes to market themselves as private tutors.

But the greatest disasters Nasser inflicted on Egyptian education fell on the universities. The general repression of Egypt's intellectuals hampered the

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free exchange of ideas. But Nasser, in order to bolster Egypt's prestige, instituted a system of free higher education. Heggy notes that wealthier societies do not provide free universal college education and that Egypt's attempts to provide what much wealthier societies cannot resulted in a haphazard system that generates many graduates but very few of any quality.

This degradation of Egypt's educational system was not limited to secular universities. Islamic institutions of higher learning — particularly Al-Azhar University, the leading Sunni religious institution of the Middle East — were also affected. The lowered quality of debate in Islamic institutions allowed extremist versions of Islam to make inroads into the core of the Sunni religious establishment, with ultimately disastrous consequences for Muslim civilization.

Combined with massive economic problems, this cultural calamity created the current atmosphere in Egypt in which extremism (religious and secular) flourishes, outlandish conspiracy theories masquerade as political commentary, and vicious rhetoric replaces reasoned debate.

Heggy pulls no punches in his critique of Egypt's cultural and political discourse. He observes that Egypt's obsession with self-praise over the past several decades is a form of escapism that allows the country to ignore the necessity of massive reform. After comparing Egypt's civic discourse of the 1920s with the present, Heggy concludes that there is a growing fascist trend in Egypt that makes an honest exchange of ideas impossible. In his quest to bring reason to the public debate, Heggy tries to explain how not every event is a European, Zionist, or American plot and that the conspiracy theories pervading Arab media are intended to engender feelings of powerlessness.

In his prescriptions for these problems, Heggy argues that truly accountable government is the only way to enact the necessary reforms. As a businessman, Heggy is schooled in modern management science. He grants the importance of academics developing the framework for reform but suggests that reforms often fail because the theorists remain in control too long. Reforms need to be managed by trained executives who understand how to set realistic goals and achieve them, apply resources, and delegate authority.

These management homilies sound trite to American ears, but such organizational principles may be revelations for Egypt. In the past few decades, several East Asian economies starting from a lower economic base have bounded past Egypt. India, despite being poorer than Egypt, has developed a high-tech sector; Egypt has not. Egypt is clearly missing something.

Egypt's development has been stymied because its institutions are characterized by careerism and overcentralization. Supervisors view empowered subordinates as threats, so loyalty is valued over competence. (In the Egyptian army, officers who receive American training, which emphasizes initiative, face reduced promotion prospects.) The result is that the employees do not possess the shared sense of purpose necessary for an effective organization. Management science, with its emphasis on teamwork, delega-

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tion, and empowerment, may foster these habits. This voluntary cooperation is also the essential building block of civil society. Heggy's ideas about applying effective management techniques may have implications beyond merely expanding Egypt's GDP.

Absent from Heggy's work is a critique of Hosni Mubarak's two decades as president of Egypt. Heggy criticizes cabinet ministers and proposes policies and objectives the Mubarak administration should embrace, but he does not directly criticize the president of Egypt despite Mubarak's legacy of economic stagnation and undemocratic practices. Heggy is courageous in his writing. He stands against the prevailing trends in the Arab world; he harshly criticizes the former president Nasser, who is a towering figure in modern Arab history; and he debunks popular conspiracy theories. But, in the Arab world, the prudent do not directly criticize their sovereigns by name.

Heggy offers some arguments that may not sit well with Americans or Israelis. For example, Heggy cites American support for Egypt in the 1956 war with Israel, Britain, and France as an example of American foreign policy at its most visionary and moral. (In fact, American support for Nasser's position encouraged his foreign adventures and launched him onto the world stage as a leader of the Third World.) But these are quibbles. Heggy is not a Zionist; he is an Egyptian patriot with a compelling vision of a modern, democratic Egypt.

While Heggy is music to Western ears, he is not writing for Westerners. His essays appear in major Egyptian publications, including the leading government-sponsored dailies *Al-Ahram* and *Al-Akhbar* as well as the foremost opposition daily *Al-Wafd*. He gives lectures both in Egypt and worldwide. Most important, Tarek Heggy is not alone in his ideas.

Egypt, with its distinct identity, ancient history, and large population, is the heart of the Arab world. The major intellectual trends of the Arab world were cultivated in Egypt. Pan-Arabism reached its zenith in Egypt under Nasser, and Islamist extremism's roots are with the Muslim Brotherhood, which was founded in Egypt as a reaction to modernity. But Egypt also fostered a generation of intellectuals who wore their Arab and Muslim identities with confidence and sought to engage the West and to fuse its rich cultural legacy with their own.

The heirs to this great tradition remain an important presence in Egypt. Most notable is Nobel laureate and novelist Naguib Mahfouz, who, first through allegory and then explicitly, criticized Nasser and urged Egypt to focus on its own problems instead of foreign adventures. Ali Salem, a leading playwright, drove to Israel and reported on what he found: a normal country full of people trying to lead regular lives. Salem was expelled from the Playwright's Union for "normalization," but he has continued to lobby for peace with Israel and for more freedom and tolerance within Egypt.

Beyond this segment of the elites, the Nile may have hidden depths. Salem's book about Israel was a bestseller. A survey conducted by Egypt's Ministry of Education revealed that, on the whole, the most educated Egyptians were the most opposed to normaliza-

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tion with Israel. This is a terrible commentary on Egyptian higher education, but it shows that a pragmatic current may be found under the turbulent surface.

This is not to imply that Egypt will soon transform into a liberal democracy. The forces of extremism, fed by repression, economic stagnation, and state-sponsored incitement, are growing in Egypt. More immediately, the reformers are under pressure from the Egyptian government. The arrest and imprisonment in June 2000, on dubious charges, of Professor Saad Eddin Ibrahim (in order to prevent him from monitoring Egypt's fraudulent elections) was a stunning blow to Egypt's reformers. The shock was amplified by Ibrahim's prominence. He is a familiar figure in Egypt's most elite circles, and the board of his Ibn Khaldun Institute (which includes Tarek Heggy) is a roster of former ministers.

Ibrahim's incarceration is a signal that Mubarak is prepared to sacrifice the reformers in order to protect his power and secure his son Gamal's succession. The recent airing on Egyptian state television of a mini-series inspired by the anti-Semitic czarist forgery *The Protocols of the Elders of Zion* and the court-ordered closing of the Cairo Association for Peace, which fostered Egyptian-Israeli relations, are further signs that Egypt's voices of moderation are being forced aside when they hinder Mubarak's agenda.

While Mubarak is a professed American ally, it is Egypt's reformers who truly share core American values. Their silencing would be a grave setback for Arab modernization at a critical juncture. If supported and cultivated, the ideas of Heggy and Egypt's other reformers have the potential to lead their ancient nation into modernity, and perhaps to pull the rest of the Arab world with it. The people of Egypt deserve no less.

On Our Honor

By Ryan Holston

Sharon R. Krause. *Liberalism with Honor.* Harvard University Press. 288 pages. $29.95

The language of honor is not well received today. Honor invokes aristocratic images of privilege and inherited status that appear to affront our democratic ideal of equality. In her recent work, *Liberalism With Honor*, Harvard professor Sharon Krause tries to rescue the concept for liberal democracy. Krause recalls Tocqueville's observation that while honor does bear some inherent tensions with democratic culture, the belief that it is obsolete comes from an incomplete understanding of its nature. Honor is variable, according to Tocqueville, and tends to adapt and serve the unique identities of different regimes. Krause explains that honor has deep roots in human nature, in our capacities for courage, pride, principled ambition, duty to self, and the desire for self-respect and public distinction. Therefore, while honor did appear as a prominent feature of the old regime,

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Ryan Holston is a graduate student in political science at Johns Hopkins University.

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this need not imply its necessary kinship with that society. On the contrary, she argues, the advent of democracy has brought with it a new form of honor which incorporates the modern ideal of equal dignity.

In democratic society, this ideal, expressed through civil and political institutions that respect our equal status, replaces the fixed "honor" or privilege of the old regime. The honor of the new regime speaks to a quality of character, not an inherited status. This new form of honor engages capacities of our human nature in actions that must earn distinction from others. Honor, in this sense, aims to achieve and actually vindicates the ideal of equal dignity. And although the new regime supports equal rights and opportunities, the new form of honor exhibits in such rare and extraordinary actions that it is likely to be achieved by only a few.

In the case of the American founders, Krause shows honor's ability to serve abstract, universal principles of natural right instead of those grounded in local, particular systems of conduct and status.

But this rarity and honor's diminished prominence in democratic society do not make it any less potent. Its limited acts can have lasting impact. As Krause defines it, honor always includes recognition by others, a code of principles, and the ambitious desire to live up to that code and to be recognized for it. The ambition identified here is self-regarding, which is consistent with the pervasive self-interest in liberal society. Honor, then, is more reliable than the selfless altruism or obligations to the community that other theorists argue are the appropriate supports for liberal society. By examining other philosophical reflections on honor and "excavating" several of its most prominent displays in a liberal democratic context, Krause aims to better understand honor's meaning and value, particularly as a resource to inspire individual agency within a democratic context.

Her study of honor in Montesquieu's thought is revealing on several fronts. Montesquieu saw honor as an ambition for individual distinction through principled resistance. What is distinctive about his conception is the strong instrumental value he gives honor, derived from its tendency to divide and limit political power. The regime Montesquieu observed was a constitutional monarchy, and the role of honor was to motivate political ambition among the nobility — out of a desire for self-respect and recognition — to mediate the will of the sovereign. Honor served liberty by dividing political power. Perhaps most illuminating in Montesquieu are the competing and moderating qualities revealed within the honorable actor. While maintaining a strong reverence for a principled code, one is simultaneously the ultimate arbiter of right action. While

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yearning for external recognition, the honorable person maintains the ability to resist the outside world through adherence to internal principles. For Krause, the complexity of honor revealed in Montesquieu illuminates important aspects of it as a source of agency and suggests significance beyond the context of monarchies.

In Tocqueville, Krause is quick to note that his famous emphasis on civic virtue similarly serves the purpose of preserving liberty. Tocqueville feared democracy's propensity for majority tyranny in government and civil society, the former occurring when legislators overstep their constitutional authority and the latter when public opinion threatens the liberties of those in the minority. To preserve democracy, Tocqueville sought elements from the old regime that were missing in democratic society. He feared that democratic humility had created an antipathy toward aristocratic pride, which itself was necessary to instill the notion of individual worth and to motivate action. He also mourned the absence of strong passions, such as ambition. Finally, he feared democrats loved liberty merely for its material comforts, thus making them vulnerable to rulers who provided such comforts while depriving individuals of their liberties. However, Tocqueville believed that pride, ambition, and the love of liberty for itself could be resurrected, cultivated from certain natural sources within democratic society. Democracy's civil and political associations excited the pride of the few while acting as countervailing sites of authority, thus protecting liberty. Individual rights were another valuable resource, acting as a vestige of aristocratic privilege by providing a voice in government and protection for individual action. Finally, religion elevated ambition above material comforts, thus avoiding the despotic trap of materialism. Tocqueville's prescription for fostering democratic honor through these resources further elucidates its potential in democratic society.

Krause's numerous "excavations" serve the purpose of illustrating both variety and continuity among different systems of honor. In the case of the American founders, she shows honor's ability to serve abstract, universal principles of natural right instead of those grounded in local, particular systems of conduct and status. The honor system of the antebellum South is an odd mix of fierce loyalty to community, along with an explicit rejection of the principles in the Declaration of Independence. Its relevance lies in illustrating the potential dangers of honor, particularly when political power and underlying codes go unchecked. Krause then applies her model of honorable action to various liberal democratic reformers, including Abraham Lincoln, Frederick Douglass, Elizabeth Cady Stanton, Susan B. Anthony, and Martin Luther King Jr. She provides detailed accounts of how each adhered to the principles of the American founding and took bold actions, despite significant personal risk, to bring about radical democratic reform.

As a whole, Krause's work represents a coherent analysis of the conditions — both internal and external — that must be met for a few exceptional individuals in liberal democracies to act boldly and independently in the principled defense

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of liberty. Within that framework, one can identify two purposes: supporting liberal efforts to resist encroaching political power and establishing the possibility of strong displays of individual agency. Both of these aims may be accurately described as liberal in nature, but the success of Krause's project seems wedded more to the latter. While her claim that honor acts as a motivational tool toward the defense of liberty is convincing, the possibility she presents for individual agency en route to that end is particularly noteworthy.

In exposing the myth of honor's obsolescence under liberal democracy, Krause makes the strong case that the language of democratic society conceals our capacity for extraordinary character. The democratic love of equality forces the establishment of euphemisms for honor, such as "dignity," in order to describe those who achieve high levels of distinction without explicitly acknowledging their superior capacities. The problem, Krause adeptly observes, is that emphasizing equal dignity obscures the honorable actor's extraordinary character and the fact that, in society at large, there are more than merely common qualities available to us. By unpacking the obfuscations of democratic language, Krause helps to resurrect awareness of extraordinary character and the opportunities for individual heroism it presents.

In the same vein, Krause challenges two of her most prominent contemporaries, who have similarly — and detrimentally — chosen to democratize the concept of honor. Philosopher John Rawls does so by arguing that, in a just society, "self-esteem" must be counted among the primary goods that all individuals need, on an equal basis, in order to make use of their liberties and equal opportunities. In this way, he conceives of self-esteem as a good to be distributed equally among the agents who constitute society. Krause, however, argues that when self-esteem is provided irrespective of achievement, the concept of desert is undermined. Democratizing self-esteem thus weakens its ability to motivate risky and difficult actions. In fact, says Krause, the strongest exertions of individual agency, under the most challenging circumstances, require self-esteem that has previously been tested and won. This contention becomes even more persuasive through Krause's examinations of honorable actors in American history, as their stories affirm this pattern.

Krause's other target, McGill University's Charles Taylor, similarly undermines the individual agency that honor inspires. Taylor advocates replacing honor with "reciprocal recognition." Once again, Krause demonstrates why his position is harmful. Honor, like recognition, has a strong external dimension; it relies on acknowledgment by other agents. Yet, unlike Taylor's prescription for interpersonal recognition, honor also has a strong internal dimension. Honor as a quality of character drives individuals to live up to principled codes of conduct. In this regard, Krause highlights a complex understanding of honor that is more profound than a simple formula for social esteem. Because honor has this internal dimension, it serves as a particularly powerful source of agency for the very people Taylor is most concerned about, those marginalized groups who are deprived of external recognition. Krause's effort to reestablish honor as a device for individual

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agency may be said to supply such groups with a potentially powerful tool for resistance, one independent of social consensus. And Krause's excavations provide further evidence of this potential: Several of her democratic reformers emerged from oppressed groups.

If there is a flaw in Krause's project, it is her struggle with honor's variability and unwillingness to conform to a model that she applies in all instances. One constant feature of honor, she explains, is that the desire for distinction acts as a spring for action, on the back of which principled codes are fulfilled. This balance of the internal and external dimensions of honor, its "irreducible duality," is essential for Krause. Yet her examples do not always conform well to this model; sometimes she even acknowledges this shortcoming. Frederick Douglass, for example, viewed his resistance to a despotic slave owner as a mark of "honor." However, as Krause admits, there surely was no concern with fame or recognition for his action. She justifies her model by designating it as only "a partial embodiment of honor." In another profile of honorable action, she concedes that women's rights reformers felt called to action despite having no promise of public distinction. In fact, far from receiving due recognition, many reformers were rebuked for their resistance. By permitting little variability in the role of external recognition, Krause tends to underplay the strength of simple adherence to principle, without such concern for reputation.

In the concluding chapter, Krause discusses the implications for honor of an increasingly pluralistic liberal democratic context. She builds on an argument advanced by Michael Walzer, who has advocated honor on a smaller, more modest scale — which, he claims, arises out of the voluntary groups and associations characteristic of modern democracies. These shared identities and various codes create multiple sources of honor as we find ourselves in a variety of roles and settings, each providing "principled limits and direction" for our ambitions. But while Krause and Walzer see the benefits of cultivating the capacities for small-scale honor from a proliferation of codes, they do not address the impact this may have on the reverence for each code. In her examination of Montesquieu, Krause herself pointed out that a multiplicity of moral authorities tends to moderate reverence for each individual code. And while such proliferation may have some benefit in fostering moderation, an overabundance of such codes — particularly when left to arbitrary choice — could result in none being taken seriously enough. In this sense, the ability of honor codes to motivate extraordinary action would appear difficult within pluralistic societies.

Nonetheless, *Liberalism With Honor* is worthy of praise. Krause is successful in demonstrating honor's ability to inspire spirited acts of individual agency in defense of liberty. Her project may raise additional questions, but the originality and importance of asking these questions should not go overlooked.

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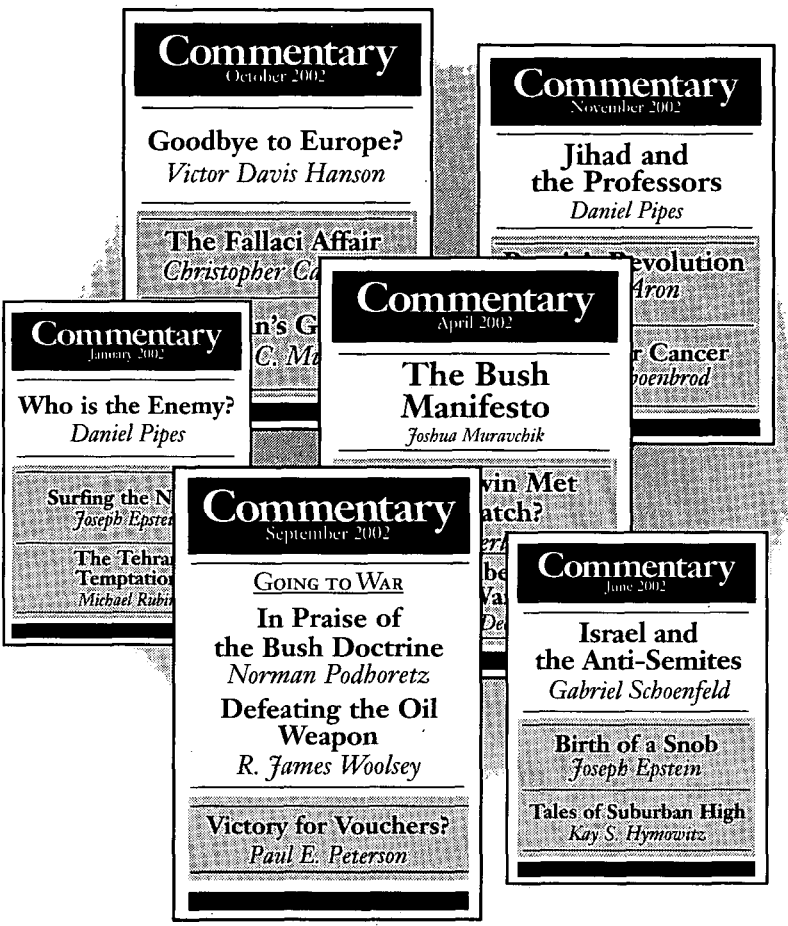
"Very, very important to the life of the United States, to the West, and, I am convinced, to freedom."

—Jeane J. Kirkpatrick



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LETTERS

The Reality of Fantasy

SIR, — While reading Lee Harris's article, I became increasingly aware that he conveniently ignored issues such as retaliation, revolt, response to oppression, and fighting back. All these would be from al Qaeda's point of view. You have assumed that al Qaeda is the one who has taken the initiative of destroying the Twin Towers, without provocation, and your conclusions about "fantasy ideology" rest on this premise. Since the U.S. is now supposed to respond to this aggressive action, your "fantasy ideology" provides insight into the minds of the enemy. But what happens if, in fact, the act of destroying the Twin Towers was an act of retaliation to an assault initiated by the United States? What if the so-called terrorists were responding to certain acts of aggression already undertaken by the Americans? Does it mean that the fundamentalist Islamic terrorist groups are living in "fantasy ideology," or are they responding to a situation they face on a day-to-day basis?

In the limited exposure that I have had, I have arrived at an understanding of why a person or a group would want to become (in)famous as terrorists. It is either a lust for more power, fame, and absolute control (the U.S.) — or it is in response to that impulse in others. Most people living in a normal situation (like me) would never dream of committing an act of harming anyone else. First, we are more concerned with the economic and general welfare of our families, which leaves no time for unprofitable activities. Second, even when we are very angry at someone and may wish to kill our enemy, when it comes to actually committing the act, we always think of the consequences that would follow, which acts as a deterrent to going ahead with what we think should be done.

But what happens to a person who has lost all his worldly possessions and loved ones to an act of oppression committed by someone else? What is his state of mind? I feel that is the answer to the question of why most terrorist groups are born and why they commit such acts of aggression.

The Western media are painfully oblivious to the fact that their elected representatives are playing political and economic games in other territories. These leaders assume that whatever they think, plan, and execute is the right decision, irrespective of the consequences it has on other people. They have come to believe in themselves so much that it seems impossible to make a mistake. But the reality is, unless these decisions and actions give top priority to human conditions outside their own boundaries, they will find themselves faced with acts of aggression from people who have already lost everything and have nothing more to lose.

SHAHNAWAZ S. KHAN
Mumbai, India

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SIR, — I found Lee Harris's article interesting and somewhat insightful ("Al Qaeda's Fantasy Ideology," August/September 2002). It has, however, at least four important failings.

First, the author, who claims that we should carefully understand the way others think, hasn't even taken care to understand what Noam Chomsky thinks. Chomsky has said again and again that the attacks can be understood as a response to the U.S. government's actions — Harris got that right. Yet Chomsky has also said, just as often, that the attacks were an evil act inflicted on innocent people. But Harris seems to group Chomsky with those who believe that America "had it coming." When you say people "had it coming," you are saying that those people deserved it. Yet Chomsky has taken pains to say that the people murdered on September 11 did not deserve it. That's what "innocent"means.

Second, I thought early on that the author, having set up the importance of understanding an alien culture in which people think so differently from us, would actually try to understand the radical Islamic culture that he writes about. But he didn't. All he did was assert his view of the culture. He gave us no reason for believing his view. I have no basis for thinking that he has paid particular attention to radical Islam. He may well be right, but no reader could come to that conclusion as a result of reading his article.

Third, after emphasizing the importance of thinking things through carefully, the author claims that George Bush — not generally known for being a careful thinker — had it exactly right about the terrorists' motives within days, if not hours, of the attack. Again, the author might be right, but we simply have to take his view on faith, which, I gather, was something he was trying to persuade us not to do generally.

Fourth, Harris agrees with the critics of George Bush that using the term "evildoers" to describe the terrorists "dehumanizes our enemy." But here Harris and the critics are wrong, and George Bush is right. Calling someone evil humanizes him. You wouldn't call a bear evil even if the bear killed 3,000 people. When you call someone evil, you are saying that the person has the capacity to make moral decisions and made the wrong one. Only humans are capable of moral decisions. The true dehumanizers are those who refuse to make moral judgments.

DAVID R. HENDERSON
Research Fellow, Hoover Institution
Associate Professor of Economics
Naval Postgraduate School
Monterey, California

SIR, — I have read Lee Harris's thoughtful and insightful article on the fantastical ideologists, including the Jacobins, French Revolutionaries, and modern European fascists. He left out (deliberately?) the Leninists/Stalinists and their New Man, the loonies of unending revolution (Trotsky, Mao, Pol Pot), and I suspect we have both missed a couple more.

However, I cannot help but suspect that this was a beautifully argued case to refrain from doing something. Buried in the article was the point that, if the victim of the fantasists' actions is merely the object (the other?), then the object can do nothing and could have done nothing to turn away the fantasists. Therefore, Harris says, there is no

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reason to change any policies — and he specifically mentions the Middle East and Israel.

My caveat would be this: That the members of al Qaeda are now living in an Islamist fantasy may be because they were predisposed to seeing themselves as the inhabitants of a disadvantaged and denigrated civilization — a civilization that is clearly unable to influence America's continuing and wholehearted support for Israel, its attempted and often successful manipulations of Arab polities, and its continued success in the rest of the world in imposing, peacefully or not, its will — often at others' expense. They may be right.

Harris himself says that a fantasy gains its appeal according to the predilections of the fantasists. Is it not possible that the members of al Qaeda, having correctly identified the relative weakness and poverty of Islam and Islamic states, have adopted a congenial fantasy that can only be made the less congenial by changing some aspects of the real world?

My point, I suppose, is this: So long as the United States continues to unreservedly back the Israelis, the Arab world will continue to feel that there is no compromise possible — and the extremists on the Palestinian side will be given the very encouragement and comfort they require to increase their power and influence. The Arabs will know that their wishes are secondary to Israel's — and to America's. So long as the U.S. rubs its nose in that power disparity, there will still be educated, middle-class young men from Arab countries with a deep sense of grievance exactly calculated to look for a worldview, an explanation, that elevates their culture and beliefs above the level of historical discards.

It has been said by a cleverer writer than I that true evil starts when you start treating people as things — and I agree. Anyone who could fly an airplane full of people into a building full of people has more than started to treat people (including themselves) as things. However, it is just possible that they started down that road when they felt themselves treated as things — inconveniences, troublemakers, irrelevancies. Or is there no possibility of that in Harris's analysis?

JUSTIN SWAIN
Canberra, Australia

SIR, — It seems to me that Harris sets in false opposition the fantasies of radical Islam, which I grant, against the lucidly existential authenticity of a fictive, "utterly secular" America. Bush's puritanically religious comments are read as if the American president, far from being the caricature of an ideologically delusional man painted by left-wing critics such as Chomsky, were some sort of cultural critic capable of self-reflexively turning the enemy's fantastical rhetoric against him, thus providing an ironic or healthy "counter-fantasy" to the American people. I find this difficult to swallow.

Bush commits the same error, plays the same ideological game which he, as the leader of a delusionally religious state, has condemned. From where does Harris acquire this false atheist notion of contemporary American society? By what criteria does he propose that we judge the health or authenticity of a fantasy ideology? Clausewitzian pragmatism is here pushed to its limits as a philosophy of truth in international politics. Comparisons to other "fan-

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tasy ideologies of the twentieth century" seem spurious; recourse to discussion of the collective fantasies of Nazi Germany is not required in order to demonstrate the illegitimacy of National Socialism. Fascist politics, as with any system of social organization, must stand or fall on its own merits, not on a posteriori speculation concerning its psychosocial origins — which is interesting in itself, but completely beside the point.

After having read and thoroughly enjoyed Harris's analysis, I remain skeptical that preemptive strikes against fantasy ideologies can be any more than the arbitrary interventions of whatever dominant ideological fantasy happens to be the order of the day in Washington. Even American pragmatism must be contextualized within its own deluded worldview. Ultimately, I agree with the obvious conclusion that it is not possible to reason with radical Islam. But let's call a spade a spade. Harris goes too far when he attempts to sanctify the dubious mythmaking of our own Western leaders.

MATTHEW T. HODGINS
Montreal, Canada

Academic Quibbles

SIR, — Chester Finn presumes that no one can disagree that Harvard suffers from grade inflation ("An Open Letter to Lawrence H. Summers," June/July 2002). He is wrong.

What Harvard suffers from is not grade inflation, but input inflation. The standards and competition for admission to Harvard are far higher than they were when Finn attended.

The "Gentleman's C" is no longer common at Harvard because the kind of students who got them are no longer admitted to Harvard. Although legacy preferences are still prevalent, the competition for them has increased greatly. And the national market for Harvard has led far more top-notch students to seek admission. Naturally, when you have more students applying, and select better students for admission, better grades are almost inevitable unless some kind of correction is made. What Finn is demanding is grading relativism: giving a wide range of grades to students at Harvard, even if they deserve higher grades according to objective criteria. This may be a wise policy, since grouping at the top can discourage students from making top-notch efforts to get a high grade.

However, it is not obvious that ordering professors to give lower grades is the proper (or most effective) solution. Perhaps Harvard ought to create the "A+" grade to recognize extraordinary achievement by students,

LETTERS TO THE EDITOR

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or perhaps it ought to admit more students from poorer backgrounds who would benefit most from a Harvard education and degree.

If Chester Finn is truly worried about Harvard's academic standards, he should speak out against the massive preferences given to the well-off children of alumni and overwhelmingly white athletes at Harvard. Of course, if Harvard only admitted the best and the brightest, rather than the most privileged and well-connected, grade inflation would probably get worse.

JOHN K. WILSON
Normal, Illinois

SIR, — Chester Finn's "open letter" hit the nail on the proverbial head. Having lived for 30 years in Northfield, Minnesota, the home of two small liberal-arts colleges, Saint Olaf and Carleton, I have seen the problems described by Finn many times.

The destruction of any sort of academic standards to attain "diversity" has been scandalous. The creation of "ethnic and gender" majors and grade inflation are routine. To their credit, a few of the students so admitted work hard and earn their degrees, but the vast majority simply show up and learn little — except, perhaps, that there is a tremendous amount of white guilt which may be exploited to their advantage.

As Finn notes, this manipulation has destroyed the advantages American schools once could claim Why? Because academics have placed political correctness above and beyond anything else in higher education's ethical standards. Doing this has allowed schools to insist on a certain brand of leftist politics as a necessary condition of employment in many hiring decisions. Once the left controls the academic world, they pass on their drivel to unsuspecting graduates.

To avoid such problems, read a variety of books, as I have always done, and set aside dreams of wasting your time at today's universities. Eventually, the universities will run out of students, alumni, and contributors to their endowments.

BILL KELLY
Dundas, Minnesota

SIR, — Whew, what a powerful letter! I strongly agree with Chester Finn on the pomo relativism issue (which long ago infested and corrupted my area, lit studies), along with the ROTC issue and the fashionable hatred of the U.S. itself rather than of some of its policies, an attitude rooted in the Vietnam War era.

However, I think affirmative action for the time being is a measured, even narrowly tailored response to the largely inferior schools that most African-Americans attend. Yes, it fails to distinguish the so-called privileged African-American from her less privileged fellow African-American, but I think the policy is far better than the call for the one-shot deal of reparations, and then after that some other bogus issue that clever racialists can conceive. The Stephen Carters and Clarence Thomases exist because of affirmative action. One knotty question that I must concede: For how long should affirmative action continue? I'm not sure.

Finn also writes, "There's been the prolonged fuss about underpaid blue-collar employees at the world's wealthiest university." Fuss? This word trivializes the pay of those workers.

Besides a few quibbles I have, Finn

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has written a courageous letter indeed during these times.

ROBERT J. WILSON
Suffern, New York

Religious Excess

SIR, — After reading Stanley Kurtz's article ("The Future of History," June/July 2002), I've not been able to get out of my mind Jerry Falwell's statement shortly after September 11 offering his theological interpretation of the terrorist attacks as being in some way the hand of God against a straying nation (or whatever). Since then, in various venues, when I've heard religious right spokesmen describing the essential qualities of Islam, what strikes me most is the domestic familiarity of some of these qualities!

Our religious zealots are our own. I'm not arguing for some kind of equivalency between our religious right and, say, the Taliban, as I heard some people casually do after Falwell's statement. But our own religious right seems an ingredient missing from both Huntington's and Fukuyama's scenarios, as described by Kurtz in his excellent essay. Religion is great for inflating, legitimizing, and empowering deep-seated aggressions and clothing them for consumption in culture and politics. How that works out in this country as compared to the Middle East is different, but that doesn't mean it is any less significant for the future of our institutions. To me this seems like a potential wrench in the workings of both authors' arguments.

LAURA GRAHAM
Washington, D.C.

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